

HEALTH & HUMAN SERVICES COMMITTEE
of the
Suffolk County Legislature

Minutes

A regular meeting of the Health & Human Services Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Hauppauge, New York, on **March 10, 2005**.

Members Present:

Legislator Allan Binder • Vice•Chair
Legislator Brian Foley
Legislator Daniel Losquadro
Legislator John Kennedy
Legislator Peter O'Leary

Members Not Present:

Legislator Paul Tonna • Chairman
Legislator Ricardo Montano

Also in Attendance:

Legislator Cameron Alden • District No. 10
Legislator Jay Schneiderman • District No. 2
Mea Knapp • Counsel to the Legislature
Ron Cohen • Aide to Legislator Tonna
Linda Bay • Aide to Presiding Officer Caracappa
Ilona Julius • Deputy Clerk/Suffolk County Legislature
Jim Spero • Director/Budget Review Office
Kevin LaValle • Aide to Legislator Losquadro
Maria Ammiratti • Aide to Legislator O'Leary
Ryland Gaines • Aide to Legislator Montano
Ben Zwirn • Assistant County Executive
Jimmy Dahrough • County Executive's Assistant

Janet DeMarzo • Commissioner/Department of Social Services
Ed Hernandez • Deputy Commissioner/Department of Social Services
Linda O'Donohoe • Assistant to the Commissioner/Dept of Social Services
Dr. Brian Harper • Commissioner/Department of Health Services
Michael O'Donohoe • Commissioner of Jurors
Paulette Bartunek • Executive Director/SC Human Rights Commission
Augustus G. Mantia • Nominee/Suffolk County Human Rights Commission
Gary Mar • Nominee/Suffolk County Human Rights Commission
Lydia Sabosto • 1st Vice•President/AME
Ann Druckenmiller • Director/Gerald Ryan Outreach Center
Annmarie Kreischer • LPN
Martha Kahan • Eastern Suffolk BOCES
Karen Mascolino • Long Island Blood Services
Harvey Schaffler • Long Island Blood Services
Aimee Bay • Suffolk County Perinatal Coalition
Walter Dawydiak • Department of Health Services/Environmental Srvcs
William Stoner • American Cancer Society
All Other Interested Parties

Minutes Taken By:

Lucia Braaten & Alison Mahoney • Court Stenographers

Minutes Transcribed By:

Lucia Braaten, Alison Mahoney & Kimberly Castiglione

[THE MEETING WAS CALLED TO ORDER AT 11:41 A.M.]

VICE•CHAIRMAN BINDER:

Everyone rise for a Pledge of Allegiance, led by Legislator Losquadro.

(Salutation)

The Health and Human Services Committee will come to order. We have an excused absence by the Chairman, Legislator Tonna. I think he was out of the country, is actually what I heard. So I think ••

LEG. O'LEARY:

County.

VICE•CHAIRMAN BINDER:

County? I won't repeat that from his staff, what his staff said. And I think also Legislator Montano is maybe out of the country also.

MR. GAINES:

Yes, he is.

VICE•CHAIRMAN BINDER:

Okay.

LEG. O'LEARY:

He's out of the country, Tonna's out of the County.

LEG. ALDEN:

Excused absence on both.

VICE•CHAIRMAN BINDER:

Okay. We'll have a •• we'll excuse both of them and we'll ••

LEG. LOSQUADRO:

Both good reasons.

VICE•CHAIRMAN BINDER:

And we'll go forward nonetheless, and we'll drive forward and do this today.

I have only one card for people who have asked to speak. So let me start with the cards and then I'll go to those listed on the agenda. The card is from William Stoner from the American Cancer Society on tobacco control and tanning. I guess you could talk about both.

MR. STONER:

Sure, thank you. I know I have three minutes, I'll keep it brief. My comments •• my full

comments for the tanning facilities legislation, sponsored by Legislator Vivian Vilorio•Fisher, the American Cancer Society supports that wholeheartedly. We feel that the strongest legislative proposal should be the one that is passed by this Legislature to send a message to our youth that tanning facilities are dangerous and the younger that you use them the more harm comes to you and your future and your chances of actually getting basal cell and squamous cell carcinoma. So, please act as expediently as this body can after making •• after Legislator Fisher suggested some minor revisions to clarify the language, and pass that.

Secondly, the Tobacco Control Program. I spoke before this body about a month ago encouraging Legislators to get involved in overseeing some of the budgeting process and contracts being signed, and I'm looking forward to hearing more about how things, I'll just say in general, things are moving forward but contracts with the entire Tobacco Control Program, whether it be the Cessation Program, the Health Smart Program through BOCES, the countermarketing contract that is •• remains unsigned, and also the evaluation. As I mentioned, the evaluation is going to be done, if the contract is to be signed, by Gallup, which is world renown for their evaluation process. If you'd like, I would share some of their past work from municipalities and states across the country where they've evaluated a program and defined some pretty good conclusions from how well the program is working and where monies should continue to be invested.

VICE•CHAIRMAN BINDER:

If I can ask Counsel, on the tobacco control question, and the monies on counteradvertising and the contracts that haven't gone forward, would you say it's within the Legislature's purview to direct the County Executive to act upon this? I mean, there's obviously a lot of frustration here. Is there •• what is the best legal way to prevent what would essentially be an empowerment of funds for a •• for something that's in the budget, a policy question that we've decided that we want to go forward with? Because I think we're going to keep coming back to this Legislature over and over again in frustration not having seen this contract go forward.

MS. KNAPP:

Well, we can certainly direct the Commissioner of Health Services, who is the individual who would be executing it. I think the problem that you have is that all contracts by virtue of administrative procedure in this County are reviewed and countersigned usually by the Chief Deputy County Executive as opposed to the County Executive, him or herself. So the question

that you raise is how do you legally direct the County Executive?

VICE•CHAIRMAN BINDER:

The County Executive and thereby the County to go forward with a policy that's clearly stated in the budget and clearly has been a policy concern of this Legislature, and I might add Republican and Democrat.

LEG. FOLEY:

Mr. Chairman.

VICE•CHAIRMAN BINDER:

Just let Counsel finish that with that thought and then I'll recognize you, Mr. Foley.

MS. KNAPP:

I can draft a specific resolution, if you wish, that would direct both the Commissioner of Health Services and the County Executive to execute that contract.

VICE•CHAIRMAN BINDER:

Okay. So, I'd like you to do that, and then I think we can consult around the committee, but I'd like •• I would hope that we're going to get unanimous support, Republican and Democrat, by the committee, especially since I know both parties as members of this committee but also as members of the budget group, were very insistent on making sure this happened. Legislator Foley.

LEG. FOLEY:

Thank you, Mr. Chairman. The Commissioner will be briefing this committee on a meeting that was held the other week that I was present for, as well as Mr. Stoner, as well as County Executive Levy's Office and the Deputy Commissioner of Health, so they're going to give us an update, if you will, on this whole matter. It was, as you know, this was discussed at length at our last committee meeting, so we had a follow•up meeting at the Commissioner's Office and he will brief the committee on that particular meeting, as well as the follow•up from that meeting to the present moment. So, there may not be a need for a resolution, but we'll await the update from the Commissioner before we decide, you know, how we want to proceed.

VICE•CHAIRMAN BINDER:

Well, Counsel won't be able to draft it until she leaves the committee anyway ••

LEG. FOLEY:

Right. Okay.

VICE•CHAIRMAN BINDER:

So we'll definitely have some time. Any other comments?

LEG. FOLEY:

If I just might say, Mr. Chairman, what's really important here was, and the Commissioner fully concurred, one of the areas, particularly in the past administration where there was •• where there was a very low mark from professional governing magazines, was managing for results. Perhaps the best way to measure whether a program is up to the •• whether a program is doing what it's supposed to do is through evaluation. So the Commissioner understands that particular point, and I believe that we will see some movement in the area of evaluation of the whole Tobacco Control Program, not just countermarketing or cessation, but the whole constellation of programs that fall under the Tobacco Control Program. I believe that the department will be moving forward with an evaluation of those particular programs, particularly utilizing the great talent, as Mr. Stoner had mentioned, the great talent that Gallup has provided to other municipalities throughout the country who have similar tobacco control programs.

VICE•CHAIRMAN BINDER:

And I appreciate that. The only problem is you can't evaluate a counteradvertising program if there's no counteradvertising, so.

LEG. FOLEY:

That's what I'm saying, it's going to evaluate all the programs. And if there's, in fact, one program that is lacking or certainly Gallup will get into some detail on that. But, as you know, there are other programs that we are considered among the very best in the country in providing, particularly cessation as well as education.

VICE•CHAIRMAN BINDER:

Thank you. Mr. Stoner.

MR. STONER:

Just one comment. I would gather on the countermarketing piece you mentioned, there has been a major disconnect in the program, 18 months possibly, a lag. But I'm sure many of you that were here will recall the commercials that Suffolk County was running. Baby Blocks was the name of one of them where the father was smoking next to their infant or their child playing with blocks and there was a message about secondhand smoke. I would gather that the public will still remember those commercials, too. I'm hoping that they'll be able to measure for that in some way, shape or form, and that will even show that it even has more impact because it has been 18 months before •• since Suffolk County has actually run a full countermarketing campaign.

It will be interesting to see what Gallup comes back with, but I'm sure their recommendation is going to say, as the CDC best practice is, you want to invest in countermarketing. Regardless of how much money it is, it is going to supplement what the State's already doing. I'm sure everyone has seen the commercials now that the State is doing, also our local coalitions. It's about finding their niche, and I'm sure that the County can do that.

VICE•CHAIRMAN BINDER:

I mean, for us it's socializing the problems with smoking. You have to keep socializing that it's not a good thing, it's a bad thing, and when it's socialized this way kids don't want to pick it up, and that is the idea.

MR. STONER:

Yeah. I mean they are spending •• Phillip Morris and Company is spending two million dollars every day in New York State alone. I mean, two million dollars a day is a lot to compete with and it's, you know, we couldn't even touch that with, you know, as many resources as we would like, but you got to do something, you've got to have the message out there, I agree with you.

VICE•CHAIRMAN BINDER:

Thanks. Anybody else? If not, thank you very much. Okay. I have no other cards.

LEG. VILORIA•FISHER:

Oh, just before ••

VICE•CHAIRMAN BINDER:

Legislator Viloría•Fisher.

LEG. VILORIA•FISHER:

I thought Mr. Stoner was also going to discuss the ••

VICE•CHAIRMAN BINDER:

He did.

LEG. VILORIA•FISHER:

I must have missed it. I'm sorry.

VICE•CHAIRMAN BINDER:

And you were sitting here.

LEG. VILORIA•FISHER:

I just wanted to ask you something. I was reading a memo from the Health Department as he was speaking. I'm sorry, Mr. Stoner. I thought you were speaking about the smoking cessation.

MR. STONER:

That's okay. It was so brief that it might have just ••

LEG. VILORIA•FISHER:

Went right past me as I was reading this. There is one area in which we have a bit of disagreement among Legislators regarding the legislation which I introduced prohibiting some of the uses of tanning facilities, and that is blanket consent by parents, a form that would be signed that would be •• it would allow their child to use •• use the tanning facilities for a year following that consent form, something like that. My contention is that it's important for parents to be •• to sign off or to be there each time the child uses the tanning facility. Can you please tell me what the position is of the American Cancer Society on this?

MR. STONER:

Sure. I did mention that your proposal and the strongest proposal that this body could pass is what we would want to support. We want to see the restrictions as restrictive as possible because of the science behind youth access to tanning facilities. The younger you access them, the chances of getting basal cell and squamous cell carcinoma increase by two•and•a•half times. So, if we can keep kids out of these tanning facilities longer and hopefully they get to a point where they don't feel like they'll ever need them, that is our goal and that is our aim.

I have sort of a new slogan, and it is a little corny, but it sticks in people's minds. It is you can reduce your chances of getting cancer by remembering your PANTS, and PANTS stands for physical activity, nutrition, tobacco and sun. And, you know, it sticks with people and people remember it. But those are the major ways to reduce your risk of cancer. I mean, obviously genetics plays a role, but other than that, things that you can control, those are the things that you should control. And tanning facilities, you know, that's under the umbrella of sun. A tan is the skin's reaction to harm, and there's this notion out there, my friends, you know, after they saw your announcement about the legislation, you know, everyone I've talked to is ecstatic. The concept is still out there that getting a base tan from a tanning facility before you go on spring break is good ••

LEG. VILORIA•FISHER:

Protects you.

MR. STONER:

And it protects you. There is no safe •• there is no safe exposure to UVA or UVB rays. This legislation and the strongest legislation is going to help us make it concrete in youth, their minds, but also their parents minds that these things are harmful. I am already hearing from folks that are saying we know it is harmful but it's so hard to tell my 16 year old that wants to go to the prom or Cancun that she can't get a tan, but this helps them do that.

LEG. VILORIA•FISHER:

And the frequency of visits can also be controlled here. If a parent signs a waiver for one year, it doesn't •• if a parent signs a waiver, which gives the permission for a year, it doesn't prevent that child from going too often for his or her own safety, number one, and the waiver could be signed at more than one tanning salon. Even if the tanning salon itself is reputable, and there were representatives here who spoke about their own recordkeeping in which they tried to

prevent that overexposure of their clients, because they don't want to have clients burn, either. It's not good for their business. But sometimes you will have clients go from one tanning salon to another, and overdo it and overexpose themselves.

Some of the background that I had read was that if you have burned, if you have had a serious sunburn before a particular age, in your youth, that your chances of developing cancer later in life are much greater. Skin cancer, that is.

MR. STONER:

Yeah. And I mean it's anecdotal, but a story has come out of Senator Fuschillo's office, and he's the sponsor on statewide legislation. He had a parent call and was furious that their daughter went, they knew that the daughter was going, didn't want them to, but they did, and had continued to go without telling the parents. Maybe not enough for a noticeable difference in skin color, but enough, and the parent was furious and asked that something be done about it so they could actually play a larger role in making sure that their child is not going so often.

Because I •• you know, I'm not that old, I'm only thirty•three, but I remember when I was younger, I remember all the myths about tanning. Like oh, it's better for you, it's safe, these sunlamps are safer than the sun. It's hogwash. And, you know, I mean, I wasn't dumb, but you're not exposed to that type of information every day, and the right people are not getting you the information that you need, and this will definitely set a really strong precedent not only for the State, but the nation. It's definitely groundbreaking in that it should require youth parental consent each and every time. And is that is overly restrictive? We don't think so because the harm, knowing that a number of these people are going to get cancer, it is worth it, it is worth the restriction.

LEG. VILORIA • FISHER:

And, Will, you mentioned something that's very, very critical, and I have run into many parents at the supermarket who have thanked me for introducing this, because it really gives the parents the control. It's very hard when you have a 16 or a 17 year old who's striking out for independence and has the ability to get to the tanning parlors as often as they want. It's a battle that we're helping parents with. We're giving them the kind of tools that they need to

have the controls that will help protect their children and their children's health.

MR. STONER:

And it helps them •• they're more educated about the real harm, because the parents know they don't want their kids to go to these facilities, but they don't really have the background to be able to say why, and because of your legislation moving forward and getting introduced, its brought a lot of awareness to the issue of tanning facilities. I commend you just for even accomplishing that, but now I encourage this Legislative body to endorse this legislation wholeheartedly.

LEG. VILORIA • FISHER:

Thank you, Will.

MR. STONER:

Thank you.

VICE • CHAIRMAN BINDER:

Thank you. Okay. I have no other cards. If I can get Mike O'Donohoe, Commissioner of Jurors, and past all around fun Legislator. Kevin •• Karen Mascolino, Long Island Blood Services and Harvey Schaffler, Long Island Blood Services. I appreciate your coming.

MR. O'DONOHUE:

Thanks very much, Mr. Chairman. It's nice to be home again to see some old friends and some new friends. What I am today, I'm representing, I'm the Government Chair of Long Island Blood Services. Voila. By the way, not like the Police Commissioner, I don't get paid for this.

VICE • CHAIRMAN BINDER:

Mike, you're back.

MR. O'DONOHUE:

And this is my lunch hour. What we've been doing, these two fine people to my left, have recruited me a number of years ago to bleed my jurors, so that's worked very well. Our people are very anxious to give blood ••

VICE • CHAIRMAN BINDER:

After you bled Legislators for years.

MR. O'DONOHUE:

There are people who are anxious to give blood, it's just that it's not convenient or they don't know where to go. So rather than try to bring them to the blood donor places, we bring the blood donor facilities to the jurors or to the places where they can readily give blood. And we've done very well with that. Karen and Harvey have been relentless in telling me what a great job I've done, so they have me running around beating up on the local supervisors of the different towns to ask them.

Now, a lot of the supervisors in a lot of the towns have already had blood programs in place and they said, gee, we already had them in place and therefore we really don't have to do anything more, but Karen and Harvey have shown them that with their input and their help and their program that they set up they've increased blood donations by tenfold, at least by tenfold. They've done a remarkable job and I'm very happy to be part of this. Blood is something that's extremely necessary, it's needed.

Legislator Fisher, I guess you're not going to stay with us.

LEG. VILORIA • FISHER:

I'm not on this committee.

MR. O'DONOHUE:

Oh, okay, see you later. Maybe you want to give blood anyway. So I'll be anxious to turn this over to Harvey and Karen now to let you know what they're looking for from you Legislators. I hope you give as much blood as you can and bleed your constituents as much as possible. So here you go.

MR. SCHAFFLER:

Thank you, Commissioner O'Donohue, and good morning Mr. Chairman and members of this committee. It's our pleasure really to be here before you, particularly that you're nationally renowned as the leading Legislature for quality of life issues, and I think it's fair to categorize blood donation as a quality of life, not something unlike many of the issues you deal with, something you need to restrict or otherwise guard against, this is something that we need to

actually promote for the good health of all of us.

Long Island Blood Services is the not-for-profit organization that supplies blood to 50 hospitals throughout Queens, Nassau and Suffolk Counties. We work with over 1400 different organizations throughout this region who sponsor blood drives, and they include certainly starting with County government and even includes members of this body. Legislator Losquadro sponsors two blood drives in his district and we work with the towns and other levels of government, businesses, high schools, colleges, communities, houses of worship, anywhere we can get a quorum of people who are willing to step forward to donate blood.

And the truth is, despite all of the advances in medical technology that we read about, there is no substitute for human blood, and I guess scientists, as brilliant as they are, have not been able to mimic what God has created and so it still remains our responsibility to donate blood as frequently as we can.

Our request to you is for you and your colleagues throughout the Legislature to consider sponsoring blood drives in your local communities, in your districts, and Karen and I and our staff will work with you, as we have with Legislator Losquadro, to, you know, help you identify • well, you know the leaders in your districts, but really sort of the power points where we can get that leadership to step forward with their constituents and really have a community blood drive, particularly during the summer months.

And one thing that's not well-known is that in our region 25% of the blood that's used in our hospitals here comes from other parts of the country, so in a region that's as well organized, well educated as Long Island, we do not collect enough blood to meet our own needs and that's certainly a gap that we must and are working aggressively to fill. And with your support we hope to be able to make some real steps toward that.

VICE-CHAIRMAN BINDER:

I have Legislator O'Leary and then Legislator Losquadro.

LEG. O'LEARY:

I want to applaud your efforts in making this attempt to have the Legislators become more involved. I only question the validity of your spokesperson and whether or not he went through a screening process in order to come here.

MR. SCHAFFLER:

We're sticking with him.

VICE•CHAIRMAN BINDER:

Wait a minute. Mr. O'Leary, was that an ethnic joke?

LEG. O'LEARY:

No, no, not at all.

MR. O'DONOHUE:

To you too, Legislator.

LEG. O'LEARY:

I always say in jest about the screening process, but at any rate, how would we go about doing just that, if an individual Legislator wishes to have a blood drive within his district, his or her district, would they be ••

LEG. LOSQUADRO:

I could give you a firsthand account of that if you indulge me.

LEG. O'LEARY:

You've indicated that Legislator Losquadro has had two. He must have been made aware of it, though.

MS. MASCOLINO:

Actually, just let me say this. He actually has had two a year, which is really phenomenal. It's a great thing. And I was actually going to say I'd like Legislator Losquadro to explain how he does it because it's phenomenal.

LEG. O'LEARY:

He's just a phenomenal guy.

VICE•CHAIRMAN BINDER:

We all think that.

LEG. O'LEARY:

We all think he's phenomenal.

MS. MASCOLINO:

We only deal with phenomenal people.

LEG. O'LEARY:

But we're all in the dark on how to go about doing this, so I guess maybe Legislator Losquadro should educate us as to how.

VICE-CHAIRMAN BINDER:

Legislator Losquadro has no problem passing the screening.

LEG. LOSQUADRO:

Legislator O'Leary, thank you. All the accolades today, thank you. Well, for those of you who are not aware, I've tried to be a very strong advocate for blood donation. The work that Blood Services does is just phenomenal and when given the opportunity to tape a public service announcement for Cablevision, my topic of choice was blood donation. That has aired, to my knowledge, I think over 1500 times at this point already. So there's a very strong need for this. We •• I just had Christine Dingfelder and Robin into my office, and at our last caucus meeting I had passed out cards from Ms. Dingfelderto each of you and encouraged of you to hold a blood drive in your district. I know some of you have already done that.

This group could not make the process easier. You express an interest to them and they do the backup work, they will make the phone calls, they really hand it to you on silver platter. They're really doing their best out there to make me look good and maybe I did a little outreach to them, but they're the ones that make you look good in your district because they do the research. They'll call the people, they'll get the people out, they'll have the bus show up at your district office. If you can find a facility •• at one point I used the volunteer ambulance corp across from my office so we had an indoor facility. If you can negotiate the use of a facility like that they'll bring in the mobile beds and the staff and they just do a fantastic job and it could not be easier.

For me this has sort of become a personal crusade in light of September 11th. I, like many

other people, felt sort of helpless and the first thing I thought to do was give blood. And unfortunately, we had almost too many other people who felt the same way. You had lines around buildings and we almost had to turn some people away because blood does have a shelf life which most people don't realize. Unfortunately, after September 11th, people have a very short memory in this country, and blood donations went right back down. So, to me, I have made it my mission, at least in my district, to try to keep those numbers back up where they should be. I do my best to encourage my colleagues whenever possible to get on this bandwagon because it's a worthwhile cause. It's something that we can't avoid. I shared with Legislator Schneiderman, who's not here today, something ••

LEG. SCHNEIDERMAN:

Where?

LEG. LOSQUADRO:

Oh, he is here. I apologize. What Ms. Dingfelder told me was that Southampton hospital at times as of late has had less than 20 units on hand, and this is •• this is an unacceptable situation. Legislator Schneiderman was very receptive. He did not have this information. Sometimes it is just a matter of doing the outreach. So, I applaud them coming before us today, because we as representatives of the community can get this information out to those who can make a difference. I thank you again for coming down. Legislator O'Leary, it's a very easy process, I assure you.

LEG. O'LEARY:

If I may, Mr. Chair.

VICE•CHAIRMAN BINDER:

Legislator O'Leary.

LEG. O'LEARY:

I just said in jest, I mean, I recognize the seriousness of the initiatives on the part of Long Island Blood Services and it's very, very important that perhaps we get involved in that process. I can't agree more. I think I just did a blood drive in Yaphank, was that sponsored by the Island blood Services?

MS. MASCOLINO:

Yes, everything that you see is sponsored by Long Island Blood Services, and it was probably one of the County blood drives.

LEG. O'LEARY:

One of the County blood drives, yes, I think it was. My office coordinated that with whoever was sponsoring it and I was asked to come down to give blood, but I had some other thing to do, but I certainly would take the opportunity. I had none to give. I've been bled dry here.

VICE-CHAIRMAN BINDER:

You're a Legislator.

LEG. O'LEARY:

Yeah, right. But I applaud your efforts and I fully support it. I think it's something that we should all take into consideration to advance the cause, so to speak. I think it's a very worthwhile endeavor.

LEG. LOSQUADRO:

Thank you.

MR. O'DONOHUE:

But I also want to mention, Mr. Chairman, the different unions that we have been involved with •• the police unions, your PBA, SOA, detectives. They've been very, very cooperative in helping us raise the blood that's desperately needed.

VICE-CHAIRMAN BINDER:

I think the biggest question is awareness. It's easy to get off the radar screen. People go nine to five to work, Legislators have all kinds of things going on in the district, budgets come, you know, we're in the middle of legislation that's controversial. You get involved with all these things and it's very easy not to think about this. I think the hardest thing for you to do is keep it on everyone's radar screen, and so it's very much appreciated that you're down here today.

I will also make a politician's commitment, a real commitment, that I'll be doing one, and at least one, maybe I can do •• maybe I can match Legislator Losquadro and do more than one before the end of the year. Right. Healthy competition between Legislators. Maybe we can do

that and there can be some kind of prize at the end for •• but you got a head start, so I don't know if ••

LEG. LOSQUADRO:

If I could offer one more suggestion.

VICE•CHAIRMAN BINDER:

Sure, Legislator Losquadro.

LEG. LOSQUADRO:

I know we always feel we're rather pressed for space in our newsletters and we try to get the right message out to the community, but in each of the newsletters that I send out I do a piece on blood donation and I include photos from my last blood drive. A possible suggestion, if you are looking for pieces for your next newsletter, I would encourage you to include a component encouraging blood donation with, you know, the usual tag line of Give the Gift of Life or something of that nature.

MR. O'DONOHUE:

Mr. Chairman, we're contacting with your offices. Would we contact your offices now to set up the appointments, make the appointments?

VICE•CHAIRMAN BINDER:

Yeah, you should.

MR. O'DONOHUE:

And you have someone in your office that we'll work with ••

VICE•CHAIRMAN BINDER:

I think whoever the person •• usually the secretary or aide that answers the phone should be able to lead you to the right place. Please do that. My understanding is that the Presiding Officer has already committed to doing one during a General Meeting, so I think we should do it when there's something really controversial and the place is packed. But we should do •• but we are going to do one here. The Presiding Officer is going to do that, and wherever we can we should •• it really is just a question of keeping it in front of us. I don't think anyone wouldn't

want to do it, because once you hear about it and once you talk about it you go oh, of course, and then you start thinking how long has it been since I've given blood. And it has been a while, I did, I guess an ephresis I guess it is?

MR. SCHAFFLER:

Platelet donation.

VICE•CHAIRMAN BINDER:

Right. So I was doing that and then I •• just what happens is you get caught up in your daily life and then if it gets off the radar screen you don't go back. So, maybe we can help you keep it on the screen. There are 18 of us and we collectively represent the whole County and that should be part of what we do, is not just the drive itself, but as Legislator Losquadro said, keep the awareness up in newsletters or in other things that we do.

MR. O'DONOHUE:

May I mention just one other thing to some other Legislators that I know of them certainly but I haven't had contact with them. If you ever have any constituents that have a problem with jury service, please don't hesitate to call our office. We'll be happy to take care of it for you. It is something that •• I know you get a lot of calls about a lot of things, but just give us a call we'll be more than happy to take care of your constituents problems with jury service.

VICE•CHAIRMAN BINDER:

For a small fee.

LEG. O'DONOHUE:

We are happy to do that, and we will send a letter to them that you have written to us and called us and ••

VICE•CHAIRMAN BINDER:

Give us credit for it, too.

LEG. O'DONOHUE:

Yes, absolutely. I give you guys credit for everything.

VICE•CHAIRMAN BINDER:

Isn't that wonderful.

LEG. O'DONOHUE:

You're good to us, thanks for the new courthouse in Riverhead, by the way, so I do appreciate your ••

VICE•CHAIRMAN BINDER:

Hopefully your office is nice enough. If it is not, please let us know if you need something else that we didn't give you.

LEG. O'DONOHUE:

By the way, while I'm here.

VICE•CHAIRMAN BINDER:

Okay. Listen, we have something else to do, we have work and so ••

MR. O'DONOHUE:

I've got to get to Riverhead.

VICE•CHAIRMAN BINDER:

Okay. Thanks.

LEG. O'DONOHUE:

All right. Thank you very much.

LEG. O'LEARY:

Thank you very much. Take care, Mike, good seeing you.

VICE•CHAIRMAN BINDER:

Okay. We're going to •• you know, it's always a humorous interlude when Legislator O'Donohoe is around. I kind of miss the laughing.

LEG. FOLEY:

Mr. Chairman.

VICE•CHAIRMAN BINDER:

Legislator Foley.

LEG. FOLEY:

It's good to see you again. By giving blood, Commissioner, it proves that you do have a heart, by the way.

MR. O'DONOHUE:

A very small one.

VICE•CHAIRMAN BINDER:

Well, actually I was going to ask the County Executive if that were true about ••

LEG. O'LEARY:

But I am so encouraged that he •• Mike, I'm so pleased that you did pass the screening process. I am very glad to hear that.

MR. O'DONOHUE:

Thank you. My comment about the Commissioner not speeding on the Expressway •• but I do have a PBA card.

LEG. O'LEARY:

I'm not going there. I'm not going there.

MR. COHEN:

You want a Commissioner's card?

LEG. O'DONOHUE:

Thanks again.

VICE•CHAIRMAN BINDER:

If you stay around a little bit, you know, we can enjoy this, you know, hang out.

MR. O'DONOHUE:

I've got to get to lovely downtown Riverhead.

VICE•CHAIRMAN BINDER:

Okay, go ahead. Thank you. All right. We're going to go to the agenda.

LEG. LOSQUADRO:

Please.

VICE•CHAIRMAN BINDER:

Yes.

TABLED RESOLUTIONS

Resolution 2324. You know what, before I do that, let me ask, so we don't have to ask both of them to come up, if I could ask the two Commissioners to come up and sit at the table. This way as we are going through this I don't have to ask them to come up individually, if Commissioner Harper and ••

LEG. ALDEN:

Commissioner Demarzo.

VICE•CHAIRMAN BINDER:

Oh, Commissioner Demarzo, I was looking for you. I was going to see if you were here.

COMMISSIONER DEMARZO:

I was looking for a pen.

VICE•CHAIRMAN BINDER:

You were hiding behind Mr. Zwirn.

COMMISSIONER DEMARZO:

Is it safe there? No.

VICE•CHAIRMAN BINDER:

Is it safe there? I don't know. Ask Mr. Zwirn if he'll keep his head up for you. Okay. We'll start with 2324•04.

No. 2324•04 Authorizing satellite Social Services Office in conjunction with the Police Sub•Station at New York Avenue, Huntington. Health and Human Services (Binder)

I'll just say motion to table.

LEG. O'LEARY:

Second.

VICE•CHAIRMAN BINDER:

Second by Legislator O'Leary. All those in favor? Opposed?

That's tabled (VOTE: 5/0/0/2 Not Present: Legislators Tonna and Montano)

VICE•CHAIRMAN BINDER:

1008.

No. 1008 Re•establishing a legislative policy for the charging of fees for private well water testing by the Suffolk County Department of Health Services. Health and Human Services. (Caracciolo)

LEG. LOSQUADRO:

Motion to approve.

VICE•CHAIRMAN BINDER:

Motion to approve by Legislator Losquadro.

LEG. LOSQUADRO:

Second.

VICE•CHAIRMAN BINDER:

Second by Legislator O'Leary.

LEG. FOLEY:

On the motion.

VICE•CHAIRMAN BINDER:

On the motion, Legislator Foley.

COMMISSIONER HARPER:

Do I have an opportunity to comment on this?

LEG. FOLEY:

Yes.

VICE•CHAIRMAN BINDER:

Yes.

LEG. FOLEY:

That's why I asked to be recognized. Mr. Chairman, I know the Commissioner has spoken on this before and I think before we have a vote if we could have the Commissioner summarize his concerns on it.

VICE•CHAIRMAN BINDER:

Right. And by the way, keep doing that. If you want to jump in, just hit the mike and let me know you want to get in, Commissioner.

COMMISSIONER HARPER:

Okay. Certainly. I guess the concern in summary with this particular legislation is the fact that we believe that it will ultimately result in an overriding burden on the department to conduct these •• the water testing throughout the County. It will result in the reduction in the revenue certainly that we receive to the range of approximately \$200,000. The greater concern is that we would be overwhelmed with requests to provide this sort of testing and we believe that we have a policy in place, which I'll let my colleague describe in more detail, that in effect tests the water in an appropriate fashion. Having said that, let me turn it over to Walter Dawydiak, who works with our Division of Environment.

MR. DAWYDIAK:

Thank you, Dr. Harper •• am I on now? Thank you, Dr. Harper, Legislator Binder, members of the committee. We really like this resolution, we would love to do this project exactly as it's described, it would just be logistically impossible. As Doctor Harper mentioned, the cost would be significant. In order to do all six to 7,000 private wells in the three year period specified, we'd be talking about upwards of two million dollars in staff, equipment and supplies, not to mention the lost revenue which would be on the order of a quarter of a million dollars. It would really cripple our other programs, community, non•community, community public water supply, marine monitoring, groundwater monitoring and would result in a backlog of about a year to year•and•a•half in sample analysis.

So what we would like to do is to continue implementing the intent of this resolution via targeted surveys, which are a much more efficient way to conduct sampling. We can get blocks and areas whereby we go door to door and get a number of samples at one time on a priority basis and an organized manner rather than willy•nilly running all over the County to random complaints which take a lot more time and effort. So we think that it will take us longer than the three years to get all of these high risk areas sampled, but we can get them done with minimal financial impact and minimal program impact to the County.

VICE•CHAIRMAN BINDER:

Let me ask a question. The bill doesn't require that you go out and test every well whether people have asked for it or not, so we're not talking about overall testing. What this •• this is basically in response to requests. My understanding is the history on this doesn't •• it isn't the same as what I'm hearing from you as almost as if you're going to have to test every well. Yeah, if you test every well we're talking probably in the order of \$200,000. My understanding is that history has shown that the number of wells that people do ask for testing on will probably cost us in the order of 12 to, you know, 15, 20, 50,000 at worst or something. I mean, that's even the worst, in terms of how many people have asked in the past where this is going.

This is basically just a waiver of fees.

MR. DAWYDIAK:

Right. We would have no problem being authorized to waive fees as long as we did on a survey manner. We suspect that if word gets out and the wording of this resolution does direct us to

waive fees and get it done, you know, it is like anything else, if the word gets out that there is free stuff to be had, pretty much everybody is going to call and try and get that immediately.

VICE•CHAIRMAN BINDER:

Have we had this in the past? Have we had this in the past where we've had waived fees?

MR. DAWYDIAK:

We have waived fees for people in a survey fashion. I'm not aware of ••

VICE•CHAIRMAN BINDER:

Did everyone ask •• in other words, did word get out and did we get inundated with calls for waiving of fees?

MR. DAWYDIAK:

We did not, but I'm not aware that an identical resolution was at work for prior policy either. To my knowledge we were authorized to waive fees.

VICE•CHAIRMAN BINDER:

My understanding is that we've done it before, word got out that we were doing it, we were waiving fees, and we didn't get this tidal wave of requests. I think there are •• there will be a core of people who want that checked, but I guess we don't have the same or I don't have the same concern for the traffic that this is going to bring. And I think if it starts to bring traffic and you can show us statistics that it's overwhelming the department, that might be something we could come back pretty quickly and maybe change that. We understand that, too. I don't think there's a Legislator here that would want you to be overrun, resources to be taken from things that we need them to be focused on or for it to cost \$200,000 that is need in other places. I guess from everything we've seen and the history we've seen, that's not going to happen. I guess as some of us, and I'm being one of them, are willing to give this a shot, but I would ask that you keep a close monitor on it, and at the first, you know, at the first sign of tidal wave let us know and I think we can •• we would work to fix that.

MR. ZWIRN:

Mr. Chair, may I?

VICE•CHAIRMAN BINDER:

Ben Zwirn.

MR. ZWIRN:

I think the County Executive agrees that on a hardship basis that •• it's a hundred dollars for a fee, and a lot of the wells are on the eastern part of Long Island, and while there are a lot of people out there who could use the extra help, there are a lot of very wealthy people out there who could afford to pay for the testing. The actual cost, I understand, costs somewhere upwards toward 1,500, so the County is subsidizing the testing to begin with. And we have sent some information to the sponsor about •• I think there was as many as 1,000 •• back in 2000 wells were sampled and it ranged anywhere from 580 to 1,000.

I don't know how you stop it. Once the word gets out and you say well, now we're going to institute a fee because so many people responded, that would be almost •• that would be very hard, I think, at that point as a Legislator just to do it, I mean, they'll say how come it was okay for these people and all of a sudden you're changing the rules in midstream.

I would just like to work •• have a chance to work with the sponsor, and we have been talking about a lot of things and this wasn't one of the things that I had a chance to talk to Legislator Caracciolo about, is to perhaps either raise the level for hardship •• I think right now it is about \$25,000 in income and maybe bring that up so that people would qualify instead of just making it a blanket, because if you can get a lot of people who could afford it and help defray some of the cost of the Health Department we'd be getting a benefit that they don't necessarily need. Of course the people •• and when there is a situation that arises, and we don't have that one in this particular case, but if there's a specific incident, then the Health Department goes in on their own and does the testing without charging the taxpayers, the homeowners, at that point. I'm just saying it just may be overkill in this particular case.

VICE•CHAIRMAN BINDER:

Legislator Foley.

LEG. FOLEY:

Yeah. Just to follow•up with what Mr. Zwirn, thank you, had just mentioned, the fact is, is that there are many who can afford ••

MR. ZWIRN:

How soon they forget.

LEG. FOLEY:

How soon they forget. Many can afford it number one, but number two, for a number of years the County has been discounting this fee to a great extent, and I don't know •• I'm not sure whether it be 1,500, but I know that for a comparable test to be done by a private test lab is well in excess of a hundred dollars, as little as 500 to 800, but it could be as much as 1,000 or 1,500. That being the case, the taxpayer is receiving a heavily subsidized water test results, so for the hundred dollars, it's money well spent from the standpoint of the department testing for the 126 or 130 chemical constituents that if the private well did it, it would be much more costly for the homeowner. Couple that with the fact that the department is now interested in raising the eligibility income for a waiver, I think that's the •• I think the better approach to take as opposed to this across the board waiver. So I'll be supporting a motion to table and I'll make a motion to table, Mr. Chairman.

LEG. KENNEDY:

Mr. Chair.

VICE•CHAIRMAN BINDER:

Motion to table by Legislator Foley. Is there a second, before you give • is there a second on the motion to table? There is not. Legislator Kennedy.

LEG. KENNEDY:

I just have a couple of questions about the specifics associated with cost. How is the sampling actually done? Does the •• do you conduct the actual water sampling or do you ship it out?

MR. DAWYDIAK:

Yes. Public Health Sanitarians collect the samples. They deliver them to our Public and Environmental Health Laboratory who analyzes them, and if I could just verify the numbers. We do charge a 100. A lab analysis runs two to \$300 in terms of actual cost to the County because of the economy of scale and the efficiency of how the institution runs coupled with being nonprofit. A private lab would indeed charge in excess of \$1,000 for a comparable

analysis.

LEG. KENNEDY:

You've confirmed that. You've solicited input from various private ••

MR. DAWYDIAK:

Yes, we are aware of ••

LEG. KENNEDY:

•• water testing facilities ••

MR. DAWYDIAK:

Correct.

LEG. KENNEDY:

And they are telling you that it is in excess of \$1,000 to do a full battery, full ••

MR. DAWYDIAK:

Yes.

LEG. KENNEDY:

Also, I have a concern or a question about the areas identified here. This would go towards high pesticide risk areas? What does that mean, specifically?

MR. DAWYDIAK:

Essentially, we've done a number of pesticide studies and pretty much any private well in the vicinity of or down gradient of a farm field qualifies as high risk, so it was basically correlating land use agricultural data with the location of private wells and that number of six to seven thousand is the aggregate of wells potentially at risk.

LEG. KENNEDY:

Is there well testing that still goes on at this point that's under the various Consent Decrees or is that all expired; Temik Dachtal, things such as that?

MR. DAWYDIAK:

Most of the well testing that we do does not fall under contract. The aldicarb things I believe is settled. I mean, there maybe a limited number of aldicarb type samples and filters that are still going in, but that doesn't comprise a bulk of our program at this point.

At this point our well testing •• we're taking about 800 private well samples per year. About a quarter of those or about 200 of those are done right now on a survey basis for high risk pesticide areas. As Mr. Zwirn had indicated, when we know an area has a definite problem we go in there and we try and get everybody in that area and those are done free of charge. The other 600 or so relatively are paying customers per year.

LEG. KENNEDY:

One last question. How long does it take you to turn around and request a sample request?

MR. DAWYDIAK:

It depends on the time of year. It's on the order of several weeks. I don't have an exact number for you. It is not several months. It depends on the number of parameters. If somebody is not in a high risk pesticide area we won't necessarily do all the pesticides and their breakdown products. That is what can significantly add to the cost of the analysis. If somebody is doing just a Certificate of Occupancy they're limited in the number of contaminants that they have to by law analyze for. That can be turned around much more quickly. If it's pesticides it may be a couple of months depending on the time of year and the quota and the lab. It's not a year to a year•and•a•half as would happen if we suddenly increased our burden.

LEG. KENNEDY:

Thank you.

VICE•CHAIRMAN BINDER:

Question?

LEG. FOLEY:

Yeah. Walter, in your many years of service now as we can say in the Health Department, has anyone been turned away, if you will, or they've said they're not going to get a test taken because they have to pay a small fee? Has that ever •• I mean, has that happened? If it has,

is it a handful of times? I mean, in my years here, the 17 years I have been in County government, I haven't heard that happen at all, particularly when there have been contaminant plumes of gas stations and other places where the Health Department went forward with the testing. In fact, in those cases, many times you did waive the fee. But in your estimation, when it was \$75 and now it is \$100, has that caused anyone not to get their •• the test taken or the calls oh, I can't do it now because you charged me a fee?

MR. DAWYDIAK:

You know, we don't have objectively verifiable data that would prove that, but the number of sampling requests did go down when a fee was instituted, so we can infer that people were less likely to ask for a sample because they had to pay a hundred dollars. I think initially it was \$65 and it was raised to 100. We try to get to everybody that needs it. If it's a known contamination problem we waive the fee. There are financial hardship waivers also.

LEG. FOLEY:

If they would know from the outset with the hardship waiver process is number one, and if we raised the income eligibility level for a waiver, I think that will go a long way in including people who otherwise couldn't otherwise shoulder the cost of it. But I really •• I'll finish up, Mr. Chairman. And the point well taken, though, is there are many who can easily afford this, and if that's the case, I'm sure they'll be glad •• they'll continue to pay it. By raising the eligibility of income levels, I think that would take care of the issue of waivers for those who may not otherwise have their water tested.

VICE-CHAIRMAN BINDER:

Legislator O'Leary.

LEG. O'LEARY:

Yes. I guess I'll address this to Walter. On the backup, the financial impact statement that's attached to the resolution, there's mention of an opinion on the part of the Department of Health Services, Division of Environmental Quality, with respect to the impact that this resolution would have on the department. In the previous waiver, which was from I think 2000 to 2003, was this the experience that was •• that was given with respect to the increase in the amount of samples? Was it almost three times the amount of samples?

MR. DAWYDIAK:

We were not overwhelmed as a result of that prior authorization to waive fees.

LEG. O'LEARY:

So then •• then how then do you come to the opinion that that's going to have the impact of this particular resolution, that it's going to increase almost threefold?

MR. DAWYDIAK:

I think mainly because there's a much greater analytical capability on the part of our laboratory to analyze for new and different pesticides and their degradates or metabolites, their breakdown products, as well as a much higher public awareness. The Health Department has published pesticide reports over the last few years with updates indicating something on the order of half of the private wells in agricultural areas on the east end have some level of pesticide contamination, not necessarily exceeding MCL's, but ••

LEG. O'LEARY:

So then it's based on the education that has gone out to the public over the last few years, not necessarily your practical experience.

MR. DAWYDIAK:

I think so. I think there was a much greater awareness that it is a concern, and I think if there were a directive requiring us to do this immediately in a short timeframe, I think people are more likely to avail themselves of it at this juncture of time. That's our sense.

LEG. O'LEARY:

But clearly it was the experience in the previous waiver of fees that it did not increase threefold.

MR. DAWYDIAK:

I'm not •• no, correct.

LEG. O'LEARY:

All right. Thank you.

LEG. LOSQUADRO:

Mr. Chairman.

VICE-CHAIRMAN BINDER:

Legislator Losquadro.

LEG. LOSQUADRO:

I just also wanted to ask, haven't the areas themselves geographically gotten smaller due to the expansion of public water service throughout this time period?

MR. DAWYDIAK:

I don't have a statistic on that, and unfortunately, public water supply is not nearly as prevalent on the east end as it should be. Certainly there have been significant extensions, but at the same time we see a lot of new private wells going in on small lots. So, I would have to research the numbers to get you an exact answer on that. But I don't sense that there has been a huge diminution of private wells in those areas recently. The Water Authority has got a plan to serve the Southold Town. They have not extended public water in a big way as of yet to my knowledge.

LEG. LOSQUADRO:

Thank you. And again, historically though, as Legislator O'Leary pointed out, we did not see that increase in connection with that last waiver. Okay. Thank you.

LEG. KENNEDY:

Mr. Chair.

VICE-CHAIRMAN BINDER:

Legislator Kennedy.

LEG. KENNEDY:

Just one quick question in what you just talked about with new wells going in, new private wells. Isn't it the experience when a new well is sunk, though, that there's going to be a test sample that's actually furnished so they can determine that, in fact, it is not a contaminated well from the outset?

MR. DAWYDIAK:

That's correct.

LEG. KENNEDY:

Okay. So, notwithstanding the fact that you've got new wells coming on line, it's reasonable to

assume that they shouldn't be adding to, at least in the outset, something that's going to cause a burden on you for testing purposes. You're talking about existing older wells.

MR. DAWYDIAK:

You know, one of the issues you have to be worried about is resampling. You know, when people wind up with even a trace level of contamination we recommend that they get resampled periodically every six months, every year at most. So this number of six to 7,000 could be 20,000 if everybody gets aggressive and says I demand this done once a year. So, you know, it kind of cuts both ways. Yes, they're certified as being reasonably clean to begin with, but that doesn't mean they're going to remain clean in perpetuity. So, I don't think it really cuts down on the universe of private wells that might have to be sampled.

LEG. KENNEDY:

Certainly, but part of your consent process as well as what Legislator Losquadro eluded to with the build•out of the public water system, where there is public water coming in it's not uncommon for you to put a covenant and restriction on your approval that mandates that that private well then subsequently is hooked up. Correct?

MR. DAWYDIAK:

Yes.

LEG. KENNEDY:

Thank you.

MR. ZWIRN:

Anecdotally, if I might add. There is public •• I live out in the east end and I have well water. There is public water that has been brought to my community in the last couple of years, but a lot of times people don't hook up to it, one is for convenience, two is for the cost of hooking up, so that even though there's public water out there, still people are using wells. And what happens on sales of homes on the east end, any time somebody wants to sell a house and it has a well, the homeowner who is selling is required or asked by the purchaser to supply the test results of their well water, which they can now go to the County Health Department, and in many cases, get for nothing on a sale of a home that could be worth, you know, millions of dollars. And that's all.

I think everybody wants to make sure that the water quality for the people of this County is protected and they know what's in their water and that nobody is left behind, so to speak, that they don't have an opportunity to have it tested if they can't afford it.

We'd just like to have the opportunity to talk to the sponsor and perhaps we can address that in his bill. Of course that would be up to him, but we did send him some, you know, statistical information that we thought would be helpful.

VICE•CHAIRMAN BINDER:

I assume you wouldn't be supporting it without some kind of means test or something like that in the bill.

MR. ZWIRN:

I don't know.

VICE•CHAIRMAN BINDER:

The County Executive ••

MR. ZWIRN:

I don't know. I'm just •• we're thinking out loud trying to, you know, work to something that we can all agree on that would work.

VICE•CHAIRMAN BINDER:

In 2002 the County Executive voted for the legislation without a means test. So you understand that, the discussion we're talking about here, the 2000 •• the bill that was passed in 2000 that gives us what we have as statistics as to use of a fee waiver didn't have a means test and the County Executive at that time didn't raise the question, I guess, and voted for it. Maybe his position has changed.

MR. ZWIRN:

I am just saying there was also •• there was an increase in 2003. I think the fee went from \$65 to \$100, so instead of, you know, removing it, the Legislature saw fit to raise it, and there was probably a good reason for it back then. We're just saying that people who can afford it should be able to pay for it, and those who can't should get the service at no charge. They shouldn't be penalized.

VICE•CHAIRMAN BINDER:

What I'd like to •• we have a motion to •• we have a motion to approve and a second. You know, on the motion itself I'm going to vote for it and I will talk to the sponsor. I'd like to see it on the floor at this point because in either event I'd like to see it passed. My preference would always be, and I've argued before for other things, that it should be means tested where we can do it, particularly where there are people who can't afford it. But I think it's something that the County should be doing, and I don't know that •• I don't know that we're going to get hit with and I don't believe we will get hit with the kind of tidal wave that they're worried about because we do have experience in seeing what this has been. So, we have a motion and a second. All those in favor? Opposed?

LEG. FOLEY:

Opposed.

VICE•CHAIRMAN BINDER:

Opposed, Legislator Foley. ***1008 is approved (VOTE: 5/1/0/2 Opposed: Legislator Foley; Not Present: Legislators Tonna and Montano)***

No. 1009 Adopting Local Law No. 2005, A Local Law to create a Division of Cancer Awareness within the Suffolk County Department of Health Services. Health and Human Services (Caracciolo)

I'll make a motion to approve. Second by Legislator O'Leary.

LEG. FOLEY:

On the motion.

VICE•CHAIRMAN BINDER:

On the motion, Legislator Foley. And I will then ask •• can I let Dr. Harper speak first •• if you don't ••

LEG. FOLEY:

No, I'm going to speak first, thank you. It appears that we want to clean the table from •• clean the table of many resolutions that have been tabled for quite some time. But, again, we had quite a bit of discussion on this resolution in prior committee meetings and there are a number of concerns, valid concerns, that were raised by the Commissioner, and Commissioner, if you could once again inform us of your ••

VICE•CHAIRMAN BINDER:

That's actually what I was about to do, Legislator Foley, so maybe I'll just take more prerogative as the Chair.

LEG. FOLEY:

You want to take prerogative as the Chair, go right ahead.

VICE•CHAIRMAN BINDER:

Commissioner, please give us your views on this.

COMMISSIONER HARPER:

The primary concern I have with this legislation is the fact that to some extent the local Suffolk County Health Department is being requested to take on activities that are really not within our ultimate purview. When we talk about doing things such as discovering links between the environment and the incidence of breast cancer, much of what's requested here should really be done in more of an academic setting, or if anything, we as a local health unit collect data and submit that to the State Health Department who then goes forth and conducts the appropriate studies. So that, in fact, we wouldn't really have the expertise. It would require a large number of staff to actually accomplish what is requested here.

I think in addition to this, we do have •• currently we do have staff members who are serving in the capacity of coordinating programs and coordinating services to some extent, and we do have a biostatistician who has the ability to do some analysis, but if we want to do a broad •• more of a broad base study to evaluate sort of cancer causes, that's a fairly academic study.

What I have suggested in the past is that we develop what's called a Public Health Institute whereby we work with a local academic institution and in fact they take •• that academic institution takes the lead with doing the actual analysis and, in fact, we provide them and we work with them to provide the data that would be necessary. And that's the primary concern I have with this legislation, is whether or not we would have the capacity to accomplish what is being requested of us.

VICE•CHAIRMAN BINDER:

Do you think that •• that another department, if we created some other department that we would have •• all of a sudden we would have this academic background and ability to do it

somewhere else in Suffolk County that you don't have right now in the Health Department?

COMMISSIONER HARPER:

No, I do not believe •• I believe that there's a need to have an academic capacity whether you're collaborating or there is some agreement. That would be very helpful.

VICE•CHAIRMAN BINDER:

So what •• so what in a sense, then, you're telling us is that you would need •• there is a need, if we were to pass this, there's a need for us to look at giving you possibly some resources to be able to get done the questions here. What I don't hear is that you •• I don't hear disagreement on the fact that this is first and foremost a health issue. It's not an environmental issue. Environment might be a subset, there might be environmental factors, but it's not an environmental issue because there are other things that are factors. And I think as a Doctor I think you'd tell us that there are things that are beyond environmental factors that play on the risk of cancer and how we contract it, how we deal with it after it's been contracted, and so I hear •• and I would assume that you would agree, that it's not environmental, the environmental is a subset.

COMMISSIONER HARPER:

I agree that cancer is certainly obviously a health issue. Where we may disagree is the fact that the Suffolk County or the local Health Department is the appropriate agency to do research to evaluate the causes of cancer. Essentially, what a local health unit does is that we implement programs after the causes of cancer have been discovered and preventive mechanisms have been determined and the local Health Department implements those programs. And that requires a large amount of money, so these are agencies such as the NIH working with major academic institutions. They do that sort of research work and then the local Health Department follows the lead of those various agencies and implements the programs based on the results of their studies.

VICE•CHAIRMAN BINDER:

If we were to pass this you would be able to do only that which you could do. Let's kind of be honest here. We could pass this and you could implement it as far as your biostatistician, other people that you have. Beyond what your capability is or resources, you just really wouldn't be able to do it. I mean, it's not like •• it's not inappropriate, it's just that to do what you think is a robust job, and maybe I'm going to rephrase and you tell me if I'm off•base. What you're

saying is, to do a robust job and to do this at a level that you would be comfortable with maybe as Commissioner to fulfill the goals of the legislation, it's beyond your resources to do it to that •• to that degree.

But it's not •• I would think it's not inappropriate that of the departments that we could look at or create in Suffolk County, that the Health Department would be the most appropriate place if you had, if you had all of your druthers, if you had all of your resources, if you had everything you wanted, your department would be the place, and so then I •• I would go then to say that you can only do what you can do, we can only expect from you what you have resources to do, and we couldn't expect more than that anyway.

COMMISSIONER HARPER:

I think that that's fairly accurate except for the fact that I think it wouldn't be •• it would be a Health Department, but it wouldn't be a local Health Department. This is a State Health Department function. I think that is the only place where we ultimately disagree.

VICE•CHAIRMAN BINDER:

Okay. I understand what you are saying. Okay. Thank you. Legislator Foley.

LEG. FOLEY:

So in other words, the level of sophistication that would be required under the terms of the resolution are more appropriately placed at a State and federal agency level?

COMMISSIONER HARPER:

That's correct.

LEG. FOLEY:

Whereas the County Health Department acting as a local agent would carry through or follow through on the studies, recommendations and the like?

COMMISSIONER HARPER:

That's correct.

LEG. FOLEY:

All right. If this is •• if this division were created, how many •• how many people would be in this division, and would they be taken •• would they be doing work •• would other work that they're presently doing, would it have to be put off to the side and then they have to follow

through on what was required in this resolution, or how would it work as far as how many in your department would be impacted by this, and what kind of work would they be doing differently that they're doing now. And given the fact that this is a new responsibility, we're all well aware of the fact that current responsibilities of the Health Department, you certainly need more employees for what you currently have or what you currently do as the steward of public health programs.

So now if we add on this new particular responsibility, how is that going to fit in with what you do presently?

COMMISSIONER HARPER:

Well, I guess what I'm suggesting is that in essence, we really don't have the level of expertise to accomplish what's listed here within the department.

LEG. FOLEY:

Mr. Chairman. Given the fact that we hear that they don't have the level of expertise to carry this through, what would be the point at this juncture to approve the resolution if the expertise isn't in the department? And if we're hearing from the good Doctor that this is as good as our County Health Department is, it's one of the very best county health departments in the country, if the coordination of studies and programs is more appropriately at the State and federal level, then what are we to gain by creating this division?

VICE•CHAIRMAN BINDER:

I guess my answer would be that New Jersey Counties and Union County, Middlesex County, Burlington County, Salem County, Cape May County, in their health departments they do similar functions.

LEG. FOLEY:

Do you have •• could that be distributed to the rest of us because I don't have it.

VICE•CHAIRMAN BINDER:

It's just a list of, we can probably get this passed out, of all the different departments in New York State, in the City, in Connecticut, in New Jersey, in states and also in counties that have these kinds of things, so I can ask if we can make copies and you can see all the different divisions.

LEG. FOLEY:

Yes, please.

VICE•CHAIRMAN BINDER:

And I would say also ••

LEG. LOSQUADRO:

Mr. Chairman.

VICE•CHAIRMAN BINDER:

•• that they can get going with the resources that they have and as they go and they find that they need other resources, they should come and tell us and we'll see what we can do to make the resources of the department fit the mission that they're trying to fulfill. Legislator Losquadro.

LEG. LOSQUADRO:

Thank you, Mr. Chairman. And with all due respect to the New York State Health Department, a large portion of my district happens to be within the boundaries of the Mt. Sinai/Coram/Port Jefferson Station cancer cluster, and I personally have written to Commissioner Tony Novello three times requesting the release of that data. They held an informational session down in my district, which I really don't know what it accomplished to this day, because it really told us absolutely nothing. I don't know where else to go at this point beyond reiterating my request to the State, but quite frankly, they don't seem to be accomplishing much.

I would like to see something done here, put our resources to bear on it. We have been successful in Suffolk County, we have been pioneers, and I say we get it done ourselves, because, quite frankly, these levels of cancer that exist in my district where my wife lives, where my mother lives, my sister•in•laws, my nieces, this is unacceptable. So, we have a lot at stake here. And quite frankly, I've lost faith in New York State to do this.

I know you're saying it may be better served for them to do it, but quite frankly, they're not doing it. I would like it see it done here. I am supportive of this.

COMMISSIONER HARPER:

If I can respond. I agree that we have had problems with the •• or issues with the State Health

Department. What I'm suggesting is that ultimately it's within their purview and the federal government's purview to conduct a study like that. If, in fact, we feel strongly within our County that this is something we need to pursue, I need to go back to my original recommendation of the formation of a public health collaboration in which we have an academic institution that we work with.

In order to ultimately come up with results that will be •• that will prove fruitful, we need to conduct a longitudinal study in many of the areas that were previously mentioned, which may take ten to 20 years before we come up with any results. Part of the problem is that people are looking for rapid results. They want to know exactly what the cause is, and unfortunately science doesn't work in that fashion. We have to do •• it may take a long time for us to finally determine what the problems are, but ultimately that's what's needed to be done, is to work in an academic fashion so that the data that's finally collected is something that's usable. We can put together a quick study, do case control studies, things of that nature and come up with data that really doesn't yield any answers and then we continue with the same problem again in the future.

LEG. LOSQUADRO:

Commissioner, if there is one thing I am, it is a realist and I am very much of the understanding that there is no magic bullet. There are many people out there who •• we've had this discussion. There are many people out there who would love to be able to point a finger and say that's why, and that just doesn't exist. It's a combination of environmental factors, life•style, diet, any number of things, and I understand that. But the State has been conducting one portion of that study for quite some time, and has been reluctant to share any of their findings.

You know, I was there for the teleconference that we had, and quite frankly, I just don't see that we're getting anywhere. We need to step up our efforts in terms of •• and I think the title of this, you know, says it very well, a Division of Cancer Awareness, that many of those risk factors that we may understand very well need to be put out there into a wider public view, that it's not just that magic bullet that we're looking for. We have to educate people as to the many other risk factors.

You know, I think we're focusing on one component of what this department would do. There is

a lot to be done on this issue and I think this department would go a long way towards accomplishing that on a local level.

VICE•CHAIRMAN BINDER:

Okay. Are there anymore?

LEG. KENNEDY:

I have a question.

VICE•CHAIRMAN BINDER:

Go ahead, John.

LEG. KENNEDY:

Doctor, I would just •• I've listened to your comments, I've listened to what my colleagues have said. I think that there is a lot of merit to what they are saying. I believe that, you know, as the head of a department that has a myriad of responsibilities you are trying to go ahead and be frank and candid with us.

If you look at the resolution and you look at the first four points, what it speaks about is coordination. I don't know that this resolution is necessarily charging you with conducting 10 and 20 year long range studies rather than perhaps maybe giving a methodology or mechanism to go ahead and engage in some of the partnering, I guess, that you're talking about at this point, to try and foster some of those collaborative efforts.

The other thing that I just suggest to you is think just for a moment about the previous resolution that we spoke about. You know well, being a physician and a scientist, that there is the presence of certain carcinogens in our water table and things like that. That date is here already, it's inherent. This ability to focus and prioritize, I guess, how that's addressed, how that's remedied, what methodology and education goes out, what steps, preventive steps we take, might take this to the height and level that we need. So I don't know necessarily that this resolution bars or precludes meeting, I guess, what it is that you're articulating as well as what we're trying to put a focus on.

VICE•CHAIRMAN BINDER:

Legislator O'Leary.

LEG. O'LEARY:

Through the Chair, please. Yes, Dr. Harper. The question I have to you is regarding the make up of your department and the assignment of various responsibilities within the department. There is a division, they've made aware, called the Environmental Quality Division?

COMMISSIONER HARPER:

That's correct.

LEG. O'LEARY:

What is basically the functions of that particular division?

COMMISSIONER HARPER:

That division essentially performs items such as monitoring the water, evaluating •• well, basically they'll conduct water wells, as was suggested a little •• as we discussed a little earlier, as well as sewage, wastewater as well as wastewater management. They also have an Office of Ecology, which again manages the environment. They do things as it pertains to the environment in really making sure that there are no toxicological agents and pesticides and things of that nature which may adversely effect the environment and the community.

LEG. O'LEARY:

Is it the function or responsibility of the personnel within that division to try to put a link, if you will, between cancer and the various toxins that you speak of as well as like the recycling issues?

COMMISSIONER HARPER:

No, not directly, not to develop these linkages as was suggested. I think that's the academic piece that I have the most concern about is after you determine that a pesticide or some agent has been found to now go from that to say that it, in fact, causes a given cancer. That's a fairly large step.

LEG. O'LEARY:

Isn't it part of the responsibility of the Environmental Quality Division to keep records on the various industries that do, in fact, recycle?

COMMISSIONER HARPER:

That conduct recycling?

LEG. O'LEARY:

Yes. I mean, information that I have is that your department is supposed to keep records of all the industries in the County ••

COMMISSIONER HARPER:

That is correct.

LEG. O'LEARY:

•• that would have the best information for targeting recycling and ••

COMMISSIONER HARPER:

That's correct.

LEG. O'LEARY:

So that's correct?

COMMISSIONER HARPER:

That is correct, yes.

LEG. O'LEARY:

Are you say that there's no linkage between breast cancer and the environmental impact such as recycling and other matters?

COMMISSIONER HARPER:

No, what I'm suggesting is that to •• it's one thing to monitor given levels of toxic agents. It's another thing to demonstrate that those agents in fact cause any given cancer. That requires major studies and that's a major task in and of itself. That's exactly what we do not have the capacity to do. We can monitor these various agents and keep track of it, but showing causation is an academic process that we don't have the capacity to do. Oftentimes the federal government doesn't have that capacity. That's why they, in fact, contract with academic institutions to do that sort of a study, to do those sorts of things.

I think we would be well ahead of all of the other county health departments that were mentioned if, in fact, we had that local connection so we didn't have to go through the State to resolve whatever our local issues are. We could work directly with an academic institution to address what our local needs are.

LEG. O'LEARY:

Just one final question, sir. The •• you're aware of the formation of a new department, if you will, that has not been authorized yet but it's a new department.

COMMISSIONER HARPER:

Yes, the environmental.

LEG. O'LEARY:

Environment and Energy.

COMMISSIONER HARPER:

That's correct.

LEG. O'LEARY:

That's been formed. Is there any reasoning in your mind why the Environmental Quality Division was not considered to be moved into this new department?

COMMISSIONER HARPER:

Why the Environmental Division that's formed by the County Executive's Environment Division was not put in the Health Department? Is that the question?

LEG. O'LEARY:

Yes.

COMMISSIONER HARPER:

My assumption is that based on the fact that there is a genuine community concern regarding the environment and its potential connection to cancer, that that agency was formed in order to be really close to the County Executive to demonstrate that, in fact, the County Executive did have this concern and was going to remain or sort of take the lead with this particular problem, because it's such a community concern. That would be my understanding of it.

LEG. O'LEARY:

All right. So, then, is your opinion, then, that the Environmental Quality Division should have remained in the Health Department or gone to the new department?

COMMISSIONER HARPER:

From my perspective, as long as whatever the goal of the department, as long as it's accomplished, it really doesn't make that much of a difference to me whether it's in my department or within the County Executive's Office.

LEG. O'LEARY:

But it does make a difference when we talk about cancer and the causes.

COMMISSIONER HARPER:

What I'm suggesting is this is not a role of a local health unit in general. I guess that's what I'm sort of suggesting, is that some of this •• and this is some of it, or some of it can be accomplished within either in my department or this new department. But when we're discussing linkages to cancer and discovering those sorts of things, I don't believe that that's a local Health Department function. That's sort of an academic function.

LEG. O'LEARY:

Thank you.

LEG. FOLEY:

Mr. Chairman.

VICE•CHAIRMAN BINDER:

Legislator Foley.

LEG. FOLEY:

Thank you. You know, every member of this Legislature, we're doing our very best to deal with issues, particularly regarding cancer. Many of our families have been afflicted with it, so it's not as if any of us are callous to the issues of cancer. But, at the same time, you know, we have to bring a rationale, objective approach to the public administration of this program and of this •• public health problem. While the Health Commissioner, who would certainly love to be able to

on his own or through his department find a silver bullet that would cure cancer, the fact of the matter is that there is an approach, there is a structure in place through the administration of these programs to try to determine the problems associated with cancer and how to address those.

But, for instance, when we read the memo on this, Mr. Chairman, where our County Health Department is charged with discovering the link between environment and cancer incidence, discovering the link between obesity, tobacco use, and other lifestyle elements. I would be pleased as punch if our Health Department could do that. But the National Institutes of Health, many other national if not international laboratories have been trying to find this answer for over 100 years. So, you know, what my point would be, you know, we shouldn't move forward with something that gives a false promise.

What I would like to see if I can say this, and this is a direct question to the Commissioner, let me just ask the question to the Commissioner, has the sponsor of the bill reached out to you concerning your thoughts and concerns of whether or not there could be a compromise or amendments made to it that would reflect the reality of County public administration of cancer programs?

COMMISSIONER HARPER:

No. In fact, that has not taken place but I did make the effort to contact the Legislator.

LEG. FOLEY:

All right. Now you've reached out to the sponsor of the bill.

COMMISSIONER HARPER:

That's correct.

LEG. FOLEY:

How long ago did you reach out?

COMMISSIONER HARPER:

Oh boy, initially after our previous meeting it was suggested I do that.

LEG. FOLEY:

Right.

COMMISSIONER HARPER:

I think probably a few days after that some calls were made.

LEG. FOLEY:

This was tabled one round subject to reaching out to speak to the sponsor, is that not correct?

COMMISSIONER HARPER:

That's correct.

LEG. FOLEY:

And you called the sponsor's office?

COMMISSIONER HARPER:

I made an attempt to do that, that's correct.

LEG. FOLEY:

All right. And there's been no response from the respondent.

COMMISSIONER HARPER:

That's correct.

LEG. FOLEY:

Okay. All right. Secondly, if you've had •• if you've had your druthers, you mentioned about the Public Health Institute and it's my understanding that particularly it could be let's say Stony Brook University.

COMMISSIONER HARPER:

That's exactly it.

LEG. FOLEY:

Have you developed at least a draft that you can share with us that would be a more effective alternative to this proposal, or •• or that this proposal could be amended to reflect the realities of a County administration of a program, coupled with a Public Health Institute initiative?

COMMISSIONER HARPER:

Yes.

LEG. FOLEY:

Can you develop that?

COMMISSIONER HARPER:

Absolutely. We're in the process of •• there's an agreement that's going back between SUNY Stony Brook and our own legal counsel as we speak. I'm still pushing for that program.

LEG. FOLEY:

And that program would cover many of the items that are listed here?

COMMISSIONER HARPER:

Yes. It sets the framework for us to approach those sorts of items.

LEG. FOLEY:

All right. Mr. Chairman, let me just finish this segment of questions in this way. It would be helpful if you would •• helpful right now if you could, but I think you're at a disadvantage because the sponsor of the bill has not gotten back to you even though you have followed through on the committee's request to reach out to him. My point would be to either pen to pad or proposal, what have you, develop it so that we can see and review it on our own time or the next committee meeting as to how you would see this Public Health Institute working with some variation of what's been proposed. I think there are some very good ideas, Mr. Chairman, contained in this proposed local law. However, hearing from the Commissioner, there are things that are under way that could actually be more effective in realizing the ends that this resolution would like to realize.

LEG. O'LEARY:

Through the Chair, please.

LEG. FOLEY:

Plus, especially it's two weeks from now. Could you develop that in two weeks time?

COMMISSIONER HARPER:

Yes, we could, certainly.

LEG. FOLEY:

Thank you.

VICE•CHAIRMAN BINDER:

Mr. O'Leary, in a moment. Let me just comment. The Legislator pulled off the memo from Counsel instead of looking at the bill, which it's attached to, so I know he has the legislation also and he said and I think •• and I'll get pretty much close to a quote, that the Health Department is supposed to discover the links to cancer, and of course we'd all like to do that, and of course that's a total misrepresentation of not only Counsel's memo which said to coordinate, coordinate efforts, studies in an effort to discover, okay, it said coordinate efforts and of course we'd all like to, but it is coordinated efforts. And if he read the bill out loud it would say also to coordinate studies in an effort and designed to but not •• this bill does not charge the Health •• and it was clear that the Legislator tried to make the inference, more than an inference, almost said it right out, that this bill was designed or tells you that you should discover the links to cancer, and I think that's an unfortunate characterization of the legislation. So I just want to set the record straight.

LEG. FOLEY:

It is in the memo.

VICE•CHAIRMAN BINDER:

It's for them to coordinate in an effort to discover those things.

LEG. FOLEY:

Then the memo should reflect that, by the way, then, because the memo doesn't reflect that.

VICE•CHAIRMAN BINDER:

That's what the memo, my understanding, does.

LEG. FOLEY:

No, it doesn't. It says discover. You have to read the memo, Mr. Chairman. It says discover.

VICE•CHAIRMAN BINDER:

It doesn't say coordinate to discover, coordinate studies?

LEG. FOLEY:

But the memo •

VICE•CHAIRMAN BINDER:

But we're not going to ••

LEG. FOLEY:

The memo ••

LEG. LOSQUADRO:

The memo's not being studied.

VICE•CHAIRMAN BINDER:

I'm the Chairman, you're done. Thank you.

LEG. FOLEY:

Mr. Chairman?

VICE•CHAIRMAN BINDER:

I have the floor.

LEG. FOLEY:

When your through ••

VICE•CHAIRMAN BINDER:

I have the floor.

LEG. FOLEY:

Thank you, Mr. Chairman.

VICE•CHAIRMAN BINDER:

And when I'm through, Legislator O'Leary is going to go.

LEG. FOLEY:

Thank you, Mr. Chairman.

VICE•CHAIRMAN BINDER:

So, what we're passing here ••

LEG. FOLEY:

It's good to have you back as Chairman.

VICE•CHAIRMAN BINDER:

What we're passing here today •• it's better than having you as Chairman, Mr. Foley. What we're passing here today is not even the memo, because that was attached to the bill and the Legislator could have read the legislation itself and been clear as to what the legislation said, not the memo said. We don't pass memos in this Legislature, we pass legislation, and the legislation says coordination of studies designed to, and it keeps going through, coordination of studies and programs designed to, and that's the wording of the bill and I just wanted to make that clear for anyone that was listening. Legislator O'Leary.

LEG. O'LEARY:

Thank you, Mr. Chair. I think to put things in their proper perspective here, Doctor, there is a sense among those of us that sit on this Legislature that the issue of cancer awareness and prevention, etcetera, is probably best served under the Health Department. That's basically where we're coming from with respect to the initiatives that we're bringing forward.

My question to you is, are you aware of any other municipality on any level that oversees and administrates, if you will, cancer issues and cancer prevention that's in the Department of Environment or Department of Energy, or any other department besides the Health Department, either in the State of New York or in the surrounding metropolitan area?

COMMISSIONER HARPER:

No, not that I'm aware of.

LEG. O'LEARY:

So then, I mean, we're not reinventing the wheel here. This is something •• everything that has been done, all efforts that have been made with respect to cancer awareness and cancer prevention, etcetera, has been placed under the auspices throughout the entire metropolitan area, and probably tri•state area as far as I know, under the Health Department of that particular agency or municipality, etcetera. So, there's a strong feeling on the part of some of us who sit here in this body that we think it belongs in the Health Department, and it is probably the reason and intent of the sponsor to move it from where it was moved back to where it should be. And that's just •• that's just a statement I'm making. I'm not asking you a question. I'm not asking a question. The point is, is that cancer awareness, cancer prevention comes under the auspices and authority of the Health Department, not an environmentalist or an energy specialist.

VICE•CHAIRMAN BINDER:

Mr. Zwirn.

MR. ZWIRN:

Thank you, Mr. Chair. With respect to what Legislator O'Leary said, and I respect there is a difference of philosophy with respect to the Division of Cancer Awareness. The County Executive created a new department that was accepted in the budget, I know there was no Charter Law that followed it so I'm not going to rehash that, and I understand and he understands as well, because we've had these discussions and I know Legislator O'Leary sat there with the County Executive as well, that there may be a difference of philosophy and he understands that and respects it.

He created a new department which includes the environment which •• because there are connections possibly between the environment and cancer, and put together what he thought was a very innovative program. And I understand that there's been questions about it. The Legislature approved it in the budget, but I know there's still been questions raised about it since.

This bill that Legislator Caracciolo introduced is pretty much verbatim what the County Executive recommended in the budget as the new department. And clearly there were some sorts of, you know, concern. I mean, there were local papers that have been very supportive of Legislator Caracciolo and Legislator Schneiderman on the east end that really took them to task on this and called it a hijack of an idea that the County Executive had. Be that as it may, the

taxpayers of this County want the best with respect from a health perspective and the best that we all can do.

I would ask in good faith that perhaps this could be tabled. I know there was an opportunity to try to reach out to the Presiding Officer and the Deputy Presiding Officer to see if there could be some meeting of the minds on this, not to have it perhaps the entire way the County Executive had suggested. He was open to suggestions and to try to work in the spirit of cooperation to accomplish something that is important to all of the people of this County. And having said that, I respect the fact that there may be a difference in philosophy as to where it should be.

LEG. O'LEARY:

May I respond, Mr. Chair? The •• I agree with your assessment, that there has been some dialogue, but, as you're well aware, Ben, the •• that the majority conference or caucus has taken a position with respect to this issue and we're unanimous in our opinion that we think that anything involving cancer awareness or cancer prevention should not be under the auspices or authority of a Department of Environment or an energy specialist, etcetera. It should be in the Health Department. And most recently we had a press conference that stated just that and cited the reasons why we're advancing this particular initiative. Some of us feel very strongly about this and this is a way and a means of us bringing this issue to the forefront where we think it should be placed back where it was and where it belongs.

VICE•CHAIRMAN BINDER:

Let me ask you, Ben. Is it the philosophy of the County Executive and his office that cancer is only caused through environmental factors?

MR. ZWIRN:

I don't think the County Executive is in a position to know what causes cancer.

VICE•CHAIRMAN BINDER:

So then why would he put it in the Environmental Department?

MR. ZWIRN:

Because of the concern that Legislator Losquadro has indicated, that most of us who live on Long Island are concerned about, the fact that there are pesticides in our water supply, that there are landfills in our communities ••

LEG. LOSQUADRO:

Excuse me, Mr. Zwirn. I said that there is a cancer cluster in my district. I did not specifically enumerate what I thought the causes were. I did say potential environmental concerns. I also brought up to Mr. Harper life•style and other factors. There are many factors. Just because I'm Chair of Environment ••

MR. ZWIRN:

I understand.

LEG. LOSQUADRO:

•• doesn't mean I buy into the magic bullet theory. There are a number of factors involved here, so please do not mischaracterize what I said, that I somehow support that this should be a function of the Environmental Department. I thought I made it very clear that this should be part of the Health Department.

MR. ZWIRN:

No, that's not what I said. I said that there are environmental •• there can be environmental causality, and I don't know the answer myself. But I know ••

VICE•CHAIRMAN BINDER:

But, Ben, think what you're saying. You're saying that there can be a causality. What we're talking about is cancer.

MR. ZWIRN:

We may have made up a new word, I'm not sure.

VICE•CHAIRMAN BINDER:

It's cancer. It's very real to many of us in our families, people we know. We either know survivors or have lost friends and relatives. And I think that what you're saying is that you want to put it in a •• you want to put it in a department •• here's your philosophy, there is a difference in philosophy, you're right. You want to put it into a department where one of the possible causes, possible links, to this horrible disease might be environmental. You want to put that into an Environmental Department and take the focus and shift off the health concern itself, and that's what it would do, because you'd focus everything in environment and that is a

difference in philosophy.

I would challenge you to show me one Environmental Department in •• whether it's New York State, one of the states around here, a county, anywhere they have an Environmental Department where they're •• where that department is charged with the question of cancer and I think you will find everywhere that it's all a part of health, because environment is a possible subset and cause. But what you do is by highlighting one possible cause, what you end up doing is you say that everything else is not, it's •• there's no other cause by putting it in that department and that is a huge philosophical difference. We think it's a health concern, at least I know the Republican Caucus does who supports this. We think it's a health concern and we think that's where we should focus our attention and energies.

And particularly with this bill, I don't think we're asking for anyone to discover anything. When we say coordination of studies and programs, that doesn't mean we have to initiate them, we have to do them, but we can look at programs in New York State, around the region, around the County, around •• wherever there are programs and studies, and we can try to coordinate our taking part in them, our focus in terms of how Suffolk County •• and it says, the last thing is review, analyze, explain and summarize. We should be able to look at that and through that coordination, review, analysis, see how we're impacted and how the study speaks to the people in Suffolk County and what we might be able to do is give a message to people in Suffolk County whereas as was said life•style and other questions beyond and including environment might be a factor.

And so I don't know that it's beyond us to at least help the people of Suffolk understand it with the understanding that we have and the expertise we have currently in the Health Department, and I think it's unfortunate that you would •• and I have tell you as someone who •• the more I think about it, who's had it in my family, whether it's •• from my grandmother to my mother, it's amazing that we •• that we would take it away from a health issue and that we would focus so totally on environmental because what that really does is it takes away the importance of the issue, the totality of the issue and all the other things that play a part in the cancer, and I think that's problematic and those who would criticize on the east end, Legislators for doing this, I would guess were probably people who are tripping over themselves to make sure that they •• that that causal link is the thing that's highlighted above all else and that's unfortunate. And I say to them that they should take another look at the totality of the question of cancer and

where it comes from and how it is caused.

MR. ZWIRN:

Well, we have bills pending before the Legislature. You have Legislator Schneiderman's bill to ban pesticides. I mean, that bill is coming on a belief or on a hope that eliminating pesticides, the preemption issue aside, is to try to improve the environment to prevent people from getting cancer. The studies that we've done for testing the water, we're looking for chemicals that will make people sick and are carcinogenic. So to say that the environment has no role in this is ••

VICE•CHAIRMAN BINDER:

I didn't say I that, don't misquote me.

MR. ZWIRN:

I'm just saying ••

VICE•CHAIRMAN BINDER:

But I didn't say no role. I said it is a subset ••

MR. ZWIRN:

It has a major role. You have ••

VICE•CHAIRMAN BINDER:

It's one of the roles. Are you saying it's the only role?

MR. ZWIRN:

No, of course not.

VICE•CHAIRMAN BINDER:

Okay •• any more than I said it doesn't play a role, you didn't say it is the only.

MR. ZWIRN:

But I can't control •• we can't control heredity, we can't control gene makeup, we can have some control over our environment and to take into account the environmental problems that have caused illnesses historically. I mean, we've had cancer clusters in the community where my children were raised that were right next to a landfill. Now, maybe it had nothing to do with

the landfill, maybe it had nothing to do with methane gas or the toxins that were found and made it a super fund site, but maybe it did. And it was something that we ••

VICE•CHAIRMAN BINDER:

Can our Health Department help find that out if that were the case? Can our Health Department find that out, if we were concerned about the landfill and what might be in the ground? Do we have the ability to do testing, because I have seen an incredible Health Department over my 16 years, be able to find out where the carcinogens are the questions, root it out, look at plumes, so if there's an environmental question, I don't know that our Health Department doesn't have the ability to look at environmental factors and concerns because they've been doing it for the 16 years I've been here and they have been doing it •• they have been doing a stellar job at it.

COMMISSIONER HARPER:

Let me just be clear. Again, that's what the Health Department has the capacity to do, is to test and analyze samples and things of that nature. But to those carcinogens, the fact that they're carcinogens, that hasn't been determined by the local Health Department. That was determined by other agencies and that's sort of my concern with the way that this is worded, is that somehow we'll be •• somehow held to the standard that we have to look at causation, and that's really the problem.

VICE•CHAIRMAN BINDER:

I don't think we think of you as the NIH. Legislator O'Leary, Legislator Losquadro, Legislator Foley.

LEG. O'LEARY:

Mr. Zwirn, your statements and opinions are •• will probably carry more water and have more validity if the Environmental Quality Division of the Health Department was moved into this new Department of Environment. That did not occur, and in my mind that was a fatal flaw in the formation of that particular department. But in light of the fact that that did not occur, and the attempt to have a cancer awareness within this new Department of Environment, with the understanding that we have, and again I reiterate, it's a strong opinion that we have that anything to do •• and it's a matter of philosophy and I agree, but anything to do we believe with health or illnesses should belong in the Health Department and cancer certainly is one of

them.

VICE•CHAIRMAN BINDER:

Let me jump in, I know I was going to •• but I was looking at something with Counsel. I'm looking at the two bills, Legislator Caracciolo's and the County Executive's. As we're looking, they're the same wording. The only difference is where it's going to be. So the question is whether •• and there were a couple of additional coordinating studies which is genetic links, life •style, other things that are outside of the environment. The County Executive's bill only looks at cancer links with environment. He also wants a coordination of studies, he also wants these things, the only difference is he's not going to have the Health Department doing it, who feels that they are not even up to it, we're going to create some new Environmental Department that is going to look at, coordinate and we are going to have this high level philosophical or academic ability to do this according to the County Executive's bill, but we're going to do it in this new •• brand new Environmental Department that doesn't even have the resources of the Health Department.

MR. ZWIRN:

Well, it does because we were going to move some of those people from the Health Department into this new department. It was a transfer of people to put under •• under one heading and to try to elevate this, the Energy and Environment, to what would be a coveted position to get it the kind of attention that the County Executive ••

VICE•CHAIRMAN BINDER:

To take it away from the Department of Health Commissioner, we are going to have some other commissioner who doesn't have the background and expertise in health care, that we're going to make this only environment and take out life•style, take out tobacco use, obesity. We are going to be taking all of those things, that is what the County Executive's bill does, doesn't have it. All it has is environment, none of those other links, none of those other questions that are supposed to be looked at, and that's why this one has these other things. It is the bill, the difference is we would have it in the Health Department and look at other things beyond the environment.

MR. ZWIRN:

The Chairman is correct that the bills are virtually identical.

VICE•CHAIRMAN BINDER:

Close, not virtually.

MR. ZWIRN:

Well, pretty close.

VICE•CHAIRMAN BINDER:

That's a big difference is looking at other links beyond environment. Big difference.

MR. ZWIRN:

You can take the bills out and look at them side by side. I understand Legislator O'Leary's position, and why I say is to table if Legislator O'Leary •• I don't think he's made this suggestion of the Executive, by moving this division over to this new department, I don't know what the response would be. It might be very favorable, I mean, I think that's what the County Executive was trying to do in that meeting that we had, to try to reach out to get some more input and to ask for, you know, to see if they could work together with the Legislature to try and find a common ground, but I understand, I heard what you said.

VICE•CHAIRMAN BINDER:

Legislator Losquadro and then Legislator Foley.

LEG. LOSQUADRO:

Thank you. We've talked a number of times about a difference in philosophy here, and I want to touch upon something both the Commissioner and you have made very clear, that the County Executive wants to appear as though he is taking the lead on this, and I'll be happy to go back, I wrote it down, it was in the transcript, now it's in the records, this is obviously about public opinion and the County Executive has taken a position on where this should go because of a public perception. You said the public perceives that this is where the problem lies. We know, and I've done a lot of scientific research on this. I've taken part in things with the Health Department, that it is not just that. There are many other factors involved here.

My concern is that the County Executive's Office took a position purely based on public opinion to give the appearance that they are out in front on this. And that is almost a direct quote. I may have one or two words off there, but both the Commissioner and you made that very clear

that the County Executive wanted to appear as though he was taking the lead on this. And to me that is about public opinion and that is not about putting this where it needs to be. And I will be •• I know you're probably going to disagree me and we'll get the transcript from this later on once it's all done, I'll be happy to read it back to you. But it was repeated twice and that concerns me greatly, because that tells me it's not about where it should best be served, it's about catering to public opinion, and public opinion says that the people are concerned about the environmental causality link. And we know it's far greater than that. We have to look at the broad spectrum. So, I know you're going to dispute that, you're going to try to spin it some way. That's how I perceived what you said.

MR. ZWIRN:

I'm not going to try to spin it. The facts are the County Executive proposed this bill eight months ago. Legislator Caracciolo lifted it and claimed it as his own as if all of the sudden the Division of Cancer Awareness was the County Executive's bill. This isn't something about perception.

LEG. LOSQUADRO:

I'm talking about where it's put. That's our difference of philosophy on this.

MR. ZWIRN:

If plagiarism was a crime, Legislator Caracciolo should be under arrest right now. I mean, let's get real. When you talk about perception, you have a press conference to take the County Executive's bill as if it was •• all of a sudden it just materialized and we're going to put this in the Health Department because it is a great bill. Well, it was a great idea and it was the County Executive's idea. I didn't say it, you can talk about the local press that has been so favorable to the Legislators on the east end who are Republicans and said this was hijacked, shame on them. And we are trying to get •• I understand there is a difference of philosophy of where this should be put, but when you say that this is a public relations gimmick, that is outrageous and an insult to everybody in this County who's had a family member and someone who is lost to cancer. It's unacceptable, and as Chairman of the Environment Committee you have your press conferences on marijuana candy. This is serious stuff. You had a great crowd for that, wonderful, but that is not ••

LEG. LOSQUADRO:

Yes, I did, and I thank you for complimenting me on that.

MR. ZWIRN:

The health and safety of these people •• this County, deserve better than that.

LEG. LOSQUADRO:

You did exactly what I thought you would do. I took something that you and the Commissioner both said which I objected to because what you said made it very •• and I don't know if that's how the County Executive intended it.

MR. ZWIRN:

It's not. The County •• this is not a public relations gimmick.

LEG. LOSQUADRO:

Perhaps you mischaracterized it. Both of you said that the County Executive wanted to appear to be out front on this. And, sir, I'm not misquoting you here. And you ••

MR. ZWIRN:

The County Executive was out front on this. He established a task force on cancer when he first came into office. Legislator Foley has got a task force on cancer treatment.

LEG. LOSQUADRO:

This is about just focusing on environmental links.

MR. ZWIRN:

People in the Legislature and the County Executive take this very, very seriously. We have a public health official here ••

LEG. LOSQUADRO:

As do I, sir.

MR. ZWIRN:

•• who is not here for public relations purposes.

LEG. LOSQUADRO:

And I also take exception with you trying •• number one, chastising me to say that I don't •• somehow I don't care about cancer. Number two, mocking a bill which I have people sitting here waiting who want to see passed, because they're very concerned about how it affects their children. So for you to throw that in I find reprehensible.

LEG. O'LEARY:

Through the Chair, please.

VICE•CHAIRMAN BINDER:

Legislator Foley is next.

LEG. O'LEARY:

Okay, Legislator Foley.

VICE•CHAIRMAN BINDER:

Legislator Foley and then Legislator O'Leary.

LEG. O'LEARY:

Thank you.

LEG. FOLEY:

Thank you, Mr. Chairman. Certainly, this has engendered the kind of heated discussion •• it's unfortunate that it got to this level, if you will, because I don't think any of us really are in the position to question the motives of anyone who is sponsoring or supporting or opposing particular pieces of legislation when it comes to cancer issues. Cancer, as I said before, you know, it has touched all our families. To question people's motives I think is •• is not helpful at the very least and, in fact, could be harmful to trying to create a framework within which we can find agreement. Some say it should be in one department, others are saying it should be in another department.

I just want to talk not about the substance of the bill, which I did earlier, but about the process. Normally, when a Legislator has offered legislation to create a division within a department, and this has happened in my case in times past, the sponsor will at least make an

initial outreach to the Executive Branch if not to get their thoughts about it, usually just to say out of courtesy here is what I intend to do, and be prepared to speak on it. This committee had asked at the last committee meeting that it was going to be tabled in order to give the Commissioner the opportunity to speak to the sponsor. He reached out to the sponsor. The sponsor hasn't had •• hasn't, let's say, responded to the Commissioner's call to his office.

Given the fact, too, given the fact, and I can understand that there's a lot of •• a lot of emotion with this issue, as well as a lot of science with it, but given the fact that we're meeting in two weeks time, not a month and a half, why don't we let cooler heads prevail here, table it for simply two weeks to see whether or not there can be a meeting of the minds. If there can be a meeting of the minds, then fine. If there can't be a meeting of the minds then the process will move forward in two weeks time. You may have more sponsors •• more support for the bill than you think you have now. Let's not rush this through if we have two more weeks. And if in that intervening two week period, we can have the Commissioner as well as the sponsor of the bill to get together to speak on it and then move forward either with an amended version of this bill or the bill as it presently stands alone with this Public Health Institute initiative that the Commissioner has spoken about, I think this would be two weeks well spent.

So, Mr. Chairman, as much as you want to move these things, the fact •• and as much as the majority does, and I will grant the majority that you are working in good faith. I will grant that and there's a difference of opinion as to which department it should be placed in. But at the very least, I mean, all of us have been in positions where if a colleague did not reach out to a department when they were going to make changes to that department, or if a colleague does not all back a Commissioner who's reached out to that person to talk about the bill, we'd normally table those kinds of bills.

I'll add the final fact, normally when there's a bill of this importance, the sponsor of the bill will come to that particular committee meeting even if they are not a member of that committee. We've all done that. So let's let cooler heads prevail here. It is only two weeks out. Let's table it just one more round, try to get these people together to speak with each other and then in two weeks time we can release the bill and move forward with it. So, I'd ask for some •• just a little more patience.

VICE•CHAIRMAN BINDER:

Legislator O'Leary.

LEG. O'LEARY:

My observation and my impression of what occurred just recently here between Mr. Zwirn and the member of the committee was a little bit going over the line. I think both comments were unwarranted and unjustified. And I have had conversation with the sponsor of this bill and I believe it is his impression and understanding that the Executive Office will not move on where this division should be, which in effect is the crux of the issue that's before us.

I believe that it was a great initiative and a great idea that the County Executive had, and to give him all credit, credit due, it was his idea to focus on cancer awareness, then he deserves all the credit for that. But the fact that he or this issue is not advancing because of the question of where he's putting it, bluntly, is causing a situation where this most more important initiative should be moved forward. And my understanding is that there is •• there is no negotiation with respect to the County Executive when it comes to the •• this particular division staying where it is in his creation of the new Department of Environment. And as I said before, there's a very, very strong difference in philosophy with respect to that. And for the most part, and you have stated yourself, it's this particular resolution is almost a mirror of the County Executive's with the •• with one major exception, where it's going to go, and that is, in my mind, the issue that we're dealing with here today.

There's, as I said before, unanimity on the part of the Republican members of this body that cancer awareness and prevention belongs under the auspices and authority of the Health Department, not a Department of Environment or Department of Energy. And that, in effect, is the issue before us today.

VICE•CHAIRMAN BINDER:

If there are no others I would like to take a Chair's prerogative and end the discussion along the lines of what Legislator Losquadro said. The difference is •• between us is where. The County Executive, as was said, did come up with the legislation in the sense, but good legislation and a good idea can be severely corrupted by poor execution, and the execution of this would be within a department that basically takes away life•style, obesity and other links as far as I'm concerned, and so that's my concern on the legislation. You look at the two and one is purely and totally focused on environmental factors and takes away very important questions when it comes to cancer. And I don't think that we should be papering over or softening over or looking away from those other links and other concerns and focusing on the one department, which obviously it's not Energy, it would be Energy and Environment, so it's a question of only

in environment. It may make some people out there feel better.

There are a number of breast cancer groups who it seems that they're almost totally focusing on environmental factors for whatever reason and they're not looking at life•style, they're not looking at obesity, they are not looking at other questions for whatever reason, and so it makes them happy to see that we want to focus totally on environmental. I think, as far as I am concerned, they're wrong. I think they're wrong for not making this •• not insisting that this stay as a health issue.

I think environmental issues are somewhat sexy. They are •• in the political world the question of environment is •• it's got a big following, it's a very sexy issue, there are a lot of groups that are tangentially involved with it because there's water preservation. We can look at from Citizens Campaign for the Environment, there is the Pine Barrens, so there is all these environmental groups, the League of Conservation Voters, plenty of •• they had nothing to do and have nothing generally to do with cancer. But of course they can be motivated and go down the road once we make the link and once we only focus on the one link.

The fact is that it has to go beyond and it's one of the things that the Cancer Society does, I think, is looks beyond that. I don't think the Cancer Society, I would hope they wouldn't, say that cancer's only place is in an environmental question. I would believe that they would look at all kinds of questions that could affect •• I mean, is it an environmental question •• they talked about tanning today. Is that an environmental question? I mean, there are so many opportunities or things that we should look at. And there •• I think there's a difference in philosophy here and you've heard that, and I would like to bring it back to that and maybe end with that specific question.

I think what happened here is not a bad thing, I think it's a very good thing. What we've done is we've really focused the debate down to a core question. What do we need to look at when it comes to cancer. Do we need to only focus on environment, do we need to make that the only place we go and that's what we should look at and that's the link and we should highlight that at all costs, or should we make sure that the people of Suffolk County understand that this is an overall health issue that they have to think about when they go to a tanning bed, when they go to the beach and the sun's out and it's strong that day, when they're at •• I won't say a specific restaurant or fast food and they're sitting there eating and they're eating a lot of it, and then they come back the next day and they next day, should they be thinking about it. Or, their very fine restaurant and they're looking at that beautiful steak and it's marbled and filled

with fat, you know, three-quarters, but it's really marbled and it's really good, it is aged, it's great.

MR. ZWIRN:

Thinking about it now is getting me hungry.

VICE-CHAIRMAN BINDER:

So should they be thinking about it then. Should they be thinking about it •• you are thinking about it now, Ben, I know. Now you are thinking about that steak. The question is do they only think about what's coming out of the smoke stack, do they think •• what's coming out the back of a car. Should they think •• they should think about those things. We can talk about what's being put into the ground, what are we drinking, what are we putting into our bodies, and that is an environmental factor but the links go so far beyond, and because they do, I think we've engaged in a debate and I would hope that that's how Newsday is going to pose it. You never know where the spin goes with Newsday and how they want to pose it, you never know how it is going to be. But the truth is that's the crux and the core of the debate that happened today.

I think, I think, when presented to the people of Suffolk County, do they think it's only an environmental question, or do they think that fast food is involved and tanning beds and obesity and all these other things are involved with it. I think they're going to say smoking •• and we can go keep going. I think they would say that it's too big a question to be focused on environment, and I think they would agree with Legislature, at least with the Republican majority who did have this press conference, who want to say clearly with this legislation, want to put it out there, this is a health issue that affects us all. So that's where we are. We've engaged in debate, we've engaged in differences and hopefully it will be put that way. We have a motion and second to pass.

LEG. FOLEY:

Motion to table for two weeks.

VICE-CHAIRMAN BINDER:

We have a motion again to table for two weeks. I'll allow it again though the motion did fail for lack of second, but I'll give you another shot knowing full well that there is probably not another second. There isn't a second. Motion fails for lack of a second. We have a motion and second to approve. All those in favor? Opposed? **1009 is approved (VOTE: 5/0/0/2 Not**

Present: Legislators Tonna and Montano)

And I actually appreciate the debate, and I mean it. It is good for the people that they hear the debate. I don't think we should all sit around hand holding and sing Kumbaya as some people would say. I think debate is important for the people of Suffolk, that they hear about it.

MR. COHEN:

Allan, was that 5•0?

VICE•CHAIRMAN BINDER:

No one voted against it. I didn't hear a no. Two absent.
They're helping you. 1021.

No. 1021 Adopting Local Law No •• 2005, A Local Law to prohibit the sale and purchase of marijuana flavored candy in Suffolk County. Health and Human Services. (Losquadro).

Legislator Losquadro.

LEG. LOSQUADRO:

Mr. Chairman, I'd like to make a motion to approve and I will •• I'm sure that Mr. Zwirn was not looking to mock my piece of legislation.

VICE•CHAIRMAN BINDER:

Let me get a second. Do we have a second?

MR. ZWIRN:

I second.

VICE•CHAIRMAN BINDER:

Legislator Kennedy, second, along with Legislator Zwirn •• I mean Ben. We have motion by Legislator Losquadro, second by Legislator Kennedy. Is there any debate on the motion? If not, all those in favor? Opposed? Was there any discussion before I do that from the Commissioner?

COMMISSIONER DEMARZO:

No.

VICE•CHAIRMAN BINDER:

It's approved (VOTE: 5/0/0/2 Not Present: Legislators Tonna and Montano)

LEG. LOSQUADRO:

Mr. Chairman, I would just like to thank some of the representatives from the PTA's who were here for the press conference, who did stick around. I'm sure they learned quite a bit about how Suffolk County government operates and that we don't just gloss over things. We certainly do look into issues in depth here. So I want to thank you for sticking around.

LEG. O'LEARY:

Do we have any samples?

VICE•CHAIRMAN BINDER:

I thought you were getting a blood screening, Legislator O'Leary. Okay. We have 1065.

No. 1065 Adopting Local Law No •• 2005, A Local Law to regulate the use of tanning facilities in Suffolk County. Health and Human Services. (Viloria•Fisher).

My understanding is this is also closed, all of these are ••

MS. KNAPP:

Closed.

VICE•CHAIRMAN BINDER:

They're closed. This is also closed. I'll make a motion to table, second by Legislator O'Leary.

LEG. FOLEY:

Just on the motion, Mr. Chairman.

VICE•CHAIRMAN BINDER:

On the motion, Legislator Foley.

LEG. FOLEY:

Thank you. Through the Chair, would the sponsor of the bill like to speak on it?

LEG. VILORIA•FISHER:

I'll wait until after you spoken.

LEG. FOLEY:

There's a tabling motion.

LEG. VILORIA•FISHER:

I heard it.

VICE•CHAIRMAN BINDER:

Normally what I'd allow is the members of the committee to speak on it if they'd like to debate, discuss and then if Legislator Viloria•Fisher would like to join in she can do that.

LEG. FOLEY:

I'll be atypically brief and just say that the support •• this bill is an important bill. The reasons why it's required were outlined by the sponsor earlier in the committee meeting, as well as at prior •• at the prior public hearing at the General Meeting. We also heard from American Cancer Society who had articulated the series of reasons why it would be important to approve this legislation. Some would say that, well, if you approve this then should we also then regulate 14 year olds going to the beach, be it a bay, sound or ocean beach, but I think it's two very •• obviously two very different issues. But I would hope that we could move the bill today instead of tabling unless you are going to say it should be tabled?

LEG. VILORIA•FISHER:

I was going to ask for it to be tabled.

LEG. FOLEY:

To table? Very good for communications. Just for two weeks?

LEG. VILORIA • FISHER:

Yes.

LEG. FOLEY:

We'll be ready in two weeks.

LEG. VILORIA • FISHER:

There was some corrections I had spoken with Counsel about.

LEG. FOLEY:

Okay. So once the corrections are •• just through the Chair. Once the corrections are in then you believe it would be ready to be approved in two weeks?

LEG. VILORIA • FISHER:

Yes.

LEG. FOLEY:

Well, here is an example where the committee can table for two weeks and I'll agree with that.

VICE • CHAIRMAN BINDER:

It's a wonderful thing.

LEG. O'LEARY:

We should have more communication about intents of sponsors of resolutions.

LEG. FOLEY:

Well, here's an example where two weeks will make a world of difference.

VICE • CHAIRMAN BINDER:

I was just informed it is actually less than two weeks. It will be the eleventh. We meet on a Monday so it will be even less than two weeks. We have a motion to table and a second. Legislator Viloria•Fisher, you would like to comment on the bill?

LEG. VILORIA • FISHER:

Get this mike out. Okay. Thank you, Chair. Actually, I did come today to the committee to let

you know that I had plans to table this particular resolution because of several technical problems that I discussed with Counsel after the last General Meeting. And I had also known that there were some concerns on the part of other Legislators regarding the resolution. However, I do have to say that I came here with, you know, all good intentions to communicate these issues with the committee. I've received communication from the Health Department who also had similar concerns to mine and so we had •• we certainly had good reason to take another look at the bill and tweak it a bit. But I was very dismayed and deeply troubled by a pattern that there seems to be •• seems to be germinating here in the Legislature and that is the lack of communication. I discovered upon arriving here that a piece of legislation is being laid on the table on the fifteenth sponsored by Legislators Binder and Losquadro, adopting Local law to regulate the use of tanning facilities for minors in Suffolk County.

Now, it seems to be that •• me, this kind of preemptive strike at another Legislator's work without the benefit of having a discussion in committee to see whether there could be a meeting of the minds, working together, I think lacks in a sense of collegiality. We work together here, and I've been working on this legislation for some time. I really would have expected and anticipated that had there been any questions or requests for compromise, requests for working together, that there would have been the courtesy of one colleague to another to discuss these at this committee, the appropriate forum, or to have the lead sponsor of the bill, you, Mr. Chair, give me a call and let me know of your concerns.

I have not been privileged to either of those actions. And so I ask that if you do have concerns, that we discuss them. I will be here, available, I am available for discussion when colleagues reach out and want to discuss something as important as a practice that has imperial data linking it to cancer. I have just sat in the conference room listening to the importance of cancer awareness, of proactive •• proactive behavior on our part with regards to cancer, where to look at cancer, how to look at cancer, and yet here we have an important piece of legislation that was introduced by myself at •• appropriately. It went through a public hearing. I have not heard any discussion, and I come here to find that another Legislator has laid on the table the same bill with one minor •• with one change.

I really don't find that acceptable and I do hope that it doesn't signal a new pattern, a new •• new set of rules of engagement for this Legislature. I have always tried to work with my colleagues and I ask that my colleagues do me the same courtesy.

VICE•CHAIRMAN BINDER:

At the public hearing, I listened very intently and very closely. It was very clear to me that the sponsor of the legislation did not want to change the specific •• with regard to the specific question, having the ability to put on file a permission slip for a year. I listened to that, I heard that's not what they •• that they weren't interested in that. That was my interest.

We have again a different philosophy as to how we can accomplish an important goal. So, I would put those two out there. There are two opportunities and two ways to view this. We can have that discussion and debate since the now legislation, two pieces of legislation exist, as to the proper method to deal with the question of regulation, and that's why I put it in. If I thought, I guess, and I heard •• I listened very intently. If I thought there was •• if I heard the Legislator say I'm open to listen, I'm open to hear, but it was pretty clear, at least to this Legislator, that where I wanted to go with the legislation was not where the sponsor wanted to go and that's fine. We have a difference of opinion.

LEG. VILORIA•FISHER:

It probably would have been more fruitful if you had spoken with me directly. Rather than assume.

VICE•CHAIRMAN BINDER:

Are you saying that you would have agreed to the ••

LEG. VILORIA•FISHER:

I am saying that the courteous thing to do ••

VICE•CHAIRMAN BINDER:

I'm asking a question.

LEG. VILORIA•FISHER:

No, you're begging the question.

VICE•CHAIRMAN BINDER:

No, I'm asking you a question.

LEG. VILORIA • FISHER:

No. You are begging •• no. You introduced legislation ••

VICE • CHAIRMAN BINDER:

Who is begging a question? I asked the question.

LEG. VILORIA • FISHER:

•• which reflects my legislation without having reached out and spoken with me.

VICE • CHAIRMAN BINDER:

That's fine. I have no problem with that.

LEG. VILORIA • FISHER:

That's inappropriate.

VICE • CHAIRMAN BINDER:

That's in your opinion. My opinion is it's very appropriate when I think that the Legislator who is the author has voiced on the record their opinion that where this Legislator and author of that legislation wants to go is not where they want to go, which is fine, we have two opinions. To call you and to tell you that we're going in two different directions I don't know that changes anything unless you're telling me now that you would agree to and you would support the different positions I put in my bill.

LEG. VILORIA • FISHER:

I'm not telling you that.

VICE • CHAIRMAN BINDER:

I didn't think so.

LEG. VILORIA • FISHER:

I'm telling you that I did not engage in debate with the people who came to speak. That was a public ••

VICE • CHAIRMAN BINDER:

I'll get the record if you'd like.

LEG. VILORIA • FISHER:

There was no debate among Legislators. That was a public hearing. I did not engage in debate.

VICE • CHAIRMAN BINDER:

But you spoke as to your opinion. It was on the record.

LEG. VILORIA • FISHER:

I did not engage in debate.

VICE • CHAIRMAN BINDER:

That's okay, too. But you were on the ••

LEG. VILORIA • FISHER:

With the people who •• the members of the public who came to speak. I did not engage in debate.

VICE • CHAIRMAN BINDER:

You're on the record, though.

LEG. VILORIA • FISHER:

Allan, I am saying as one colleague to another that for you to take my legislation and reintroduce it as if it were your own without the courtesy of a direct discussion with me is inappropriate.

VICE • CHAIRMAN BINDER:

And we disagree.

LEG. VILORIA • FISHER:

And I find it very difficult to believe that you could ethically believe that that's an appropriate manner in which to behave.

VICE • CHAIRMAN BINDER:

I think it is completely appropriate.

LEG. VILORIA • FISHER:

I find that very, very difficult to believe. I find it eminently discourteous to make an assumption at a public hearing as to what I would be willing or not willing to do without ever picking up a phone and calling. I'm at my office every day. You can reach me.

VICE • CHAIRMAN BINDER:

It was clear to me, so that's all I have to say on the matter. It was clear to me.

LEG. VILORIA • FISHER:

Not if you didn't speak with me. Not if you didn't speak with me.

VICE • CHAIRMAN BINDER:

You need the last word. If you need the last word you can keep saying it over and over again. Is there anyone else that has a comment on this? We have a motion and second to table.

LEG. O'LEARY:

Just to comment on the points that Legislator Fisher just raised. I tend to agree with you. I think there is a lack of communication, and from my standpoint as the Majority Leader I will make every effort to address this issue with the Minority Leader in the future.

LEG. VILORIA • FISHER:

Thank you.

VICE • CHAIRMAN BINDER:

We have a motion and second to table. All those in favor? Opposed? **1065 is tabled (VOTE: 5/0/0/2 Not Present: Legislators Tonna and Montano).**

No. 1072 Directing the Commission of Health Services to purchase a replacement mammography van. (Health and Human Services). (Caracciolo).

We have a motion by Legislator Kennedy.

LEG. O'LEARY:

Second.

VICE•CHAIRMAN BINDER:

Second by Legislator O'Leary.

LEG. FOLEY:

Mr. Chairman, can we hear from the Commissioner on this?

VICE•CHAIRMAN BINDER:

Commissioner?

COMMISSIONER HARPER:

Yes. This is an issue I believe we have discussed in the past regarding the mammography van. In essence we currently do have a mammography van which we've received a written report indicating that the van is in good operating order aside from the fact that it needs a new generator. So we are requesting that •• in fact, we've already ordered the new generator, it is just that we don't believe there's any longer a need for a new mammography van.

LEG. FOLEY:

Mr. Chairman, if I may.

VICE•CHAIRMAN BINDER:

Legislator Foley.

LEG. FOLEY:

Thank you. With the repairs to the existing mammograph van, would we have one or two on the road?

COMMISSIONER HARPER:

There would be one van on the road.

LEG. FOLEY:

At times we've had two. Is that not correct?

COMMISSIONER HARPER:

That's correct. I believe at some point in the past there were two vans, but part of our overall plan is that we've increased the number of stationary units within the County.

LEG. FOLEY:

Mr. Chairman, he's answering the question. I think you'd like to hear his answer. The question was at one time we've had two vans that used to go around the County, now we only have one.

COMMISSIONER HARPER:

That's correct.

LEG. FOLEY:

The purpose of the sponsor here is to have a second van to •• mammography van to go around the County. Why not go that approach?

COMMISSIONER HARPER:

Okay, because we already •• we're increasing the number of stationary units within our health centers such that there will be less of a need to have a mobile van go throughout the County to provide mammography.

LEG. FOLEY:

I believe that this was focused in eastern Suffolk, is that not correct?

COMMISSIONER HARPER:

That's •• well, either way either van could be used. Primarily we would probably use it in the eastern end because that's where it's probably needed the most at.

LEG. FOLEY:

Now, if the purpose of the sponsor is to have •• hopefully working with the Health Department, have this travel the eastern portions of the County, the stationary mammography units, are there any that would be placed out east that would in essence make this moot where we wouldn't need the van out east or no?

COMMISSIONER HARPER:

Currently, no, that would not be the case that the van would primarily be on the east end.

LEG. FOLEY:

Because most of the stationary units are ••

COMMISSIONER HARPER:

Are going to be at other health centers.

LEG. FOLEY:

•• central western Suffolk, correct?

COMMISSIONER HARPER:

That's correct, that's correct.

LEG. FOLEY:

If we could hear from Budget Review Office, through the Chair, John, is the appropriation •• tell us on the record what is the appropriation and whether the appropriation is enough money?

MR. ORTIZ:

Currently there is \$300,000 in the Capital Budget and that would be probably about half of what it would cost to buy a new van. There's sufficient money, of course, to buy the generator.

LEG. FOLEY:

Resolution as it's presently constituted, is there enough money for the purchase of a new van?

MR. ORTIZ:

No.

LEG. FOLEY:

The amount is \$300,000?

MR. ORTIZ:

Right, and the estimates for the new van are upwards to 600,000.

LEG. FOLEY:

It's over 600? All right. Mr. Chairman, we've heard from BRO that the appropriation portion of the resolution was in the amount of \$300,000, when according to BRO the purchase cost would be closer to \$600,000. Is there a reason why the sponsor has •• doesn't have the •• a number that reflects the true cost of •• true purchase cost, and why would we approve it without that? Some of us may be willing to support this, but for the amount that's required to actually purchase the vehicle. Do we have an answer?

VICE•CHAIRMAN BINDER:

Let me •• I don't know if BRO has a •• can weigh in on the discussion, because I assume the numbers came from BRO in the Legislature.

MR. ORTIZ:

I can't speak for the sponsor.

VICE•CHAIRMAN BINDER:

Did he get the •• I mean, he had to get a number from somewhere and I have to figure it is either from the Health Department itself or BRO. He certainly didn't make up the number on his own.

LEG. FOLEY:

The sponsor should be here, quite frankly.

MR. COHEN:

Allan, that number came from a resolution in 2001.

MR. ZWIRN:

Right. Mr. Chairman, if I might. There was money set aside earlier for a van that was not purchased and since that time, it's a lot more money than it was then.

MR. COHEN:

Let's buy a used one.

LEG. FOLEY:

Well, that being the case, I mean, we can't approve a resolution if it doesn't have, you know, enough money to purchase. We've never done that before.

LEG. O'LEARY:

Yeah.

VICE•CHAIRMAN BINDER:

Legislator O'Leary.

LEG. O'LEARY:

Through the Chair. I agree, if the number is in question as to the funding source or the amount •• the amount is not in question, is it not? It's the funding source? It's the amount that's in question.

LEG. FOLEY:

It is the amount.

COMMISSIONER HARPER:

Yeah, that is correct.

LEG. FOLEY:

Take it at face value here, there is no hidden agenda, all right? It's 300,000, it should be six, it's got to be tabled until amended. I mean really, come on.

LEG. O'LEARY:

All right, I'm not disagreeing with you, Legislator Foley.

LEG. FOLEY:

Motion to table.

LEG. O'LEARY:

I'll second the motion.

VICE•CHAIRMAN BINDER:

Motion to table by Legislator Foley, second by Legislator O'Leary. Legislator Kennedy, do you have something you want to say? No. We have a motion and a second. All those in favor? Opposed? **1072 is tabled (VOTE: 5/0/0/2 Not Present: Legislators Tonna and Montano)**

(*Substitution of Stenographer • Alison Mahoney*)

INTRODUCTORY RESOLUTIONS

VICE•CHAIRMAN BINDER:

1095•05 • To institute a pilot program to provide state•of•the•art breast cancer detection for Suffolk Residents (Alden). This is Legislator Alden's legislation.

LEG. O'LEARY:

Motion to approve.

LEG. LOSQUADRO:

Second.

VICE•CHAIRMAN BINDER:

Legislator O'Leary makes a motion to approve, second by Legislator Losquadro.

LEG. FOLEY:

On the motion.

VICE•CHAIRMAN BINDER:

On the motion, Legislator Foley.

LEG. FOLEY:

If we can hear from our esteemed Commissioner who would be administering this particular program.

COMMISSIONER HARPER:

Thank you, yes. I have •• the department has grave concerns regarding this particular recommendation. In summary, this unit will be using a form of what's called thermography in which a breast is evaluated and based on the amount of the heat content within the breast, there's some suggestion that you can determine whether or not a patient may have cancer as a result of the amount of heat that's being emitted from cancerous cells versus normal breast tissue.

Based on our research within the department and discussions with our experts over at SUNY Stony Brook, the Medical Center, it's not clear that this sort of technique has been approved or recommended by the leadership in radiology. So for the most part, there's a big concern about the fact that it may have a high false positive rate and I'm essentially recommending that this sort of activity should be, again, something that's approved by a group of experts, radiologists should really take the lead in something of this nature. And if, in fact, they •• the real experts in this area sign off on something of this nature, then, again, an academic institution should really be in the forefront of doing something of this nature.

VICE•CHAIRMAN BINDER:

Okay. If there is not anyone from the •• okay, there are. Let me have members from the committee and then Legislator Alden; Legislator Losquadro and then Legislator Foley.

LEG. LOSQUADRO:

No, I was just pointing over there.

VICE•CHAIRMAN BINDER:

Oh, Legislator Foley wanted to, okay.

LEG. FOLEY:

So what would be the harm of having a pilot program? This is not to have a comprehensive County•wide program. The way the sponsor has written •• has authored the bill as a pilot program, the pilot program would then enable radiologists and others to make some determinations of whether or not it could be used in a wider population?

COMMISSIONER HARPER:

Yeah, yeah. The biggest concern is the process that we're going about making this determination. As I suggested, there could be a wide variety of different sorts of instruments that could be recommended to be used on our patients within the Health Department.

LEG. FOLEY:

Right.

COMMISSIONER HARPER:

And I'm fairly conservative when it comes to doing experiments and clinical trials. There's a procedure that's already in place in order to institute something of this nature which I would recommend should be followed.

LEG. FOLEY:

And what is that process?

COMMISSIONER HARPER:

And that, in essence, would be as I sort of suggested whereby experts in a given ••

LEG. FOLEY:

Don't suggest it, tell us outright what it is.

COMMISSIONER HARPER:

Okay. Basically what this would do, if I had this particular study and I were interested in pursuing it, I would go to an academic institution, North Shore, and speak with the chairman of that department, in this case it would be the Chairman of Radiology. He would then review the concept and work with, again, other leading radiologists and they would make a determination as to whether or not they should go forth. If it's determined that it should go forth, then, in fact, the proposal should be submitted and that has to go to what's called an Institutional Review Board whereby it's again reviewed and analyzed to make sure that the experiment is appropriate and that we're not, quote/unquote, experimenting on our patients in an inappropriate fashion.

LEG. FOLEY:

Is that •• I don't mean to interrupt, but through the Chair, is that •• that's the tried •• forgive my unprofessional way of describing it; that's the tried and true methodology that's used ••

COMMISSIONER HARPER:

That's correct.

LEG. FOLEY:

•• to see whether or not medical technology is effective in the promises that they're making about it?

COMMISSIONER HARPER:

That's correct. That's certainly ••

LEG. FOLEY:

All right. So this would somewhat bypass that methodology?

COMMISSIONER HARPER:

Yeah, that's my concern, is that it has been bypassed, in essence.

LEG. FOLEY:

If we could still use •• forgive •• if I may, through the Chair. If we could use this resolution as the vehicle to undertake the process that you're talking about, how would you recommend the resolution to be changed or amended to reflect that? So that the sponsor of the bill who has raised concerns and who has legitimate issues with this particular illness, how can we still use this legislation as the vehicle to do the things that he would like to see done but with the methodology and the process that you say is more appropriate?

COMMISSIONER HARPER:

Well, I'm not •• it's not clear to me that a Legislative resolution is the best way to go about evaluating a medical technology.

LEG. FOLEY:

All right. Then in your estimation, your professional estimation, what is the best method to do that?

COMMISSIONER HARPER:

It was sort of what I recommended, is that those ••

LEG. FOLEY:

Without need for legislation?

COMMISSIONER HARPER:

Yes, that would not necessarily need a resolution. But, in essence, those who are promoting

this sort of technology, that is the •• that's the pathway that needs to be taken in order to have this adequately studied.

LEG. FOLEY:

Legislator Alden? Can we hear •• I would like to hear from you.

VICE•CHAIRMAN BINDER:

Legislator Alden, please.

LEG. ALDEN:

Thank you. If Legislator Foley is done, I appreciate it. And I appreciate your indulgence because I'm not a member of the committee, I did come down because I have two resolutions on, both of them deal with breast cancer and cancer awareness. And I'm glad to hear comments from Ben that the County Executive puts a big emphasis on this breast cancer awareness and that he's following my lead because I have a program that I established a number of years ago to raise the awareness in Suffolk County; I have partnered with Estee Lauder to try to save lives.

But as I sit here I become increasingly perplexed and very, very concerned at what I hear about the Levy Administration, time after time after time with an excuse; it belongs in an academic setting, we can't do that, the price would be too much. We're not fooling around here; this is people's lives that are at stake. Cancer is not a joke, and I sit here as a cancer survivor to tell you exactly that. And I'm very, very perplexed with one concept that was raised before, and I'll weigh in on that issue now, about creating a Division of Cancer Awareness with a leading environmentalist. And imagine what my feeling would be if, as they wheeled me into the operating room and the anaesthesia was rolling over me and causing me to lose consciousness and I had a leading environmentalist tell me, "Hi. I'm a leading environmentalist, I'll be taking you through your cancer today and your cancer treatment." No, that's a Health Department •• it's a health issue.

There might be links, really, and there truly might be links environmentally to cancer, but it's ultimately a Health Department.

I heard testimony here today about the Health Department not having a level of expertise, lacking manpower. I find some of those things demeaning to cancer survivors, as myself and families that have had to suffer when a member of their family has had cancer. They look to

Suffolk County, we're their first line of defense. I'm equally very concerned about some trend here and I see that again and again with the Levy Administration saying drop dead to the people in Suffolk County. Where is the Bay Shore Health Clinic? The Bay Shore Health Center is still not open, there's still not a site even though memos from the Levy Administration said that within the next couple of weeks we're going to announce the new location of the Bay Shore Health Center. Well, the people in Bay Shore, they don't have a health center and 78,000 of them go to the emergency room when they go and need •• when they need some kind of care that was being provided to them from the administration and from the Bay Shore Health Center.

I hear an argument against a mammography van, that we're going to put out these fixed ••

MR. ZWIRN:

No.

LEG. ALDEN:

•• units to provide mammography testing when we have more flexibility with a van. And then the testimony revolves and it reveals actually the fact that, yeah, the east end isn't going to be covered, so we're going to expose that whole end out there to non•testing. Now, I put forth •• and this is very innovative and it's a pilot program. This doesn't replace anything, this does not go and say that this is the where•all, the be•all, this is the magic bullet; this is a pilot program to take a piece of technology and try to save lives. Right now people pay anywhere between a hundred and \$300 for this test, it's out there on the market. It's saving lives as we speak.

I've gotten this spot •• the people that actually produce this, I've gotten them to donate it to Suffolk County. We're going to give this to people for free, so when a doctor in one of our health centers says that, "You know something, sir or ma'am, I believe you might have breast cancer and here's a couple of tests that we're going to give you. We're going to give you one extra test that could determine whether you've got breast cancer today and save your life or we could send you home and say we gave you a mammography and we're going to read that, but you know what? We might see something, we might not see something, go home and two months later we'll retest you." And you know what happens in that two months when that cancer metastasizes? That person ends up with a death sentence and that's this is aimed at providing people with a chance to live, people that have cancer and have no chance to live.

And I find it very, very •• it's incredible to me that a doctor would say, "I don't want that. You go take that to an institution, an academic institution or something like that. I don't care about new technology. I don't care about something we're going to get for free that could save people's lives, I don't want it."

And I'll raise this specter, too, while we're talking about things. I hope to God it wasn't because of the sponsor's name on this that the Levy Administration decided to strike this and to take the position that they have that this is no good, that we can't even try this, use this in the clinics as an additional tool to save people's lives. I would wholeheartedly ask this committee to pass this. It's no cost to the County, by the way. The folks that have developed this, zero cost, they have found that it is a successful tool to diagnose when used with other diagnostic techniques and diagnostic tests, it's a successful tool to diagnose on an early basis a location that could be cancerous and to save those people's lives. And I'll give you myself as an example. I was sent •• I was •• none of this was available to me, I wish it was because for two•and•a•half years I was misdiagnosed with cancer. Thank God I'm still here, but there's other people that when they miss that diagnosis or it doesn't show up on some of the normal type of procedures that we use, they're sent home, again, with a death sentence.

MR. ZWIRN:

Can I respond?

VICE•CHAIRMAN BINDER:

Ben?

LEG. ALDEN:

I think it's clear that I'm a breast cancer survivor.

MR. ZWIRN:

Let me just make it clear, the Levy Administration was not against the mammography van, we just pointed out, as did BRO, that there wasn't enough money in the sponsor's resolution to pay for it.

LEG. ALDEN:

Can I interrupt you, Ben? I'm sorry, but Dr. Harper's testimony was that he was not in favor of

an additional mammography van and he didn't say anything about money, he said that they were putting in stationary units.

MR. ZWIRN:

Well ••

LEG. ALDEN:

So just a point of clarification.

MR. ZWIRN:

Well, that's •• when you say that the Levy Administration says drop dead, they are putting in stationary units in a number of the clinics that the County runs in Suffolk County and they are •
• I'm not a doctor, Dr. Harper can testify to this, but they are better in testing than they are in the mammography unit that is mobile, the technology is better in a stationary unit. I think what the Levy Administration would have a question of is we don't •• this is •• we don't know anything about the vendor, it's a sole source vendor. Even though you say that they're volunteering this, there's not going to be any cost to the taxpayers of Suffolk County, there is a collection of data at the other end that they're going to •• they want to keep for their own purposes for research, we don't know what it is. We just would like •• it's a sole source vendor, we just would like •• maybe you could tell us a little bit about it today so we can get an explanation because we •• I think it's fairly new technology and I think before you think •• it certainly has nothing to do with the sponsor's name. I mean, even though we've had ••

LEG. ALDEN:

Thank you for that.

MR. ZWIRN:

We have had differences, there's no question that the Levy Administration and Legislator Alden have had differences over certain things, but we've also agreed on a number of things and worked together on some things, I mean, so it's not just going one way. And I think if we can get some more information on this it may change, but I think there are some questions.

The medical questions are out of our hands, we don't have anything to do with that, we're not medical experts, that's why we have the Health Department and Commissioner Harper here to

answer. There were some questions about it's a vendor that nobody in the •• that nobody is familiar with, we don't know anything about them, and the fact that they were the only company that has apparently this type of technology and the information that would be collected, where would it go? Those were questions that we were going to ask today, but those are questions that may be able to be answered.

LEG. ALDEN:

And they're actually contained in the resolution. All personal information to the patient would be redacted and any information that was passed on would require the patient's approval. Actually, the administration of the test on the patient would require their approval. It would be something that we could offer somebody and it would be told to them, the same way that mammography •• mammography is not a hundred percent, nor is any test that you can have, even the blood test to determine, you know, the CA 15's and the other blood tests to determine whether you have cancer cells and the waste products that they give off. So this would be another tool that if a doctor suspected someone might have breast cancer, they can allow this person free•of•charge, by the way, to take part and to have this test done. I had it done on me and I've seen some of the data that's come through hundreds of people that have •• I didn't have the time to look at the thousands of people that they have tested this on, but surely hundreds of people that they have given the test to, they have a number of people that it's documented, they saved their lives. A doctor suspected breast cancer, they administered this test which cost the patient 100, 150, \$200, it pinpointed an area, the doctor went back and then was able to do, in a couple of instances, fine needle biopsies. In the case •• sometimes it was a biopsy, an actual biopsy •• found cancer and saved the person's lives. When the traditional way of dealing with that would have been, "We don't see anything right now, we're suspicious. Go home and then come back and we'll take another look at it in another month, another two months from now". That's not acceptable to me when you have this type of •• and it's not new technology. Infrared is something that's been around for a long time. This is something that goes so far and above what the old type of infrared technology was that it's just •• this is light years away from the stuff that happened even five, ten years ago.

MR. ZWIRN:

The only other question that I would have •• with the Chair's permission, to the sponsor •• is are there other companies that manufacture this equipment or is this the only one that's ahead of the field?

LEG. ALDEN:

Basically, when I looked, these people •• and it's the proprietary •• their analysis actually in the computer end of it, so the data that they're getting back when they use the infrared and then the cooling down and then the feedback from the infrared, it's the data and the data collection and the data analysis that is the key to this and they have developed the software that it's just fantastic and that puts them light years away from what was originally brought forward as far as infrared technology. And to my knowledge, no one has actually gone and has developed the software to the point where these people have. That's not to say that if we start using this •• and again, Suffolk County has been right out there, we're the pioneers. We've tried to help people, we've tried to create programs that have actually broken ground. It's not to say that somebody could take this and this original type of work that they have done and then create something that would compete with these people as far as the product and their technology, but right now no cost to the County. The data that they want would be anything that a manufacturer of a machine or a test would want and that would be just the •• some of the results and the follow•up on that to confirm or to confirm a non•diagnosis of cancer.

MR. ZWIRN:

Those were the only questions that the County Executive had from, you know, not a non •medical perspective, because we •• it's a new •• it's something new for us. And the rest of it we just rely on Commissioner Harper, so I go from there. But thank you very much.

LEG. ALDEN:

You're welcome.

COMMISSIONER HARPER:

If I might respond to the medical concerns.

VICE•CHAIRMAN BINDER:

Doctor.

COMMISSIONER HARPER:

First of all, let me just say that I understand Legislator Alden's passion regarding the issue of cancer and breast cancer, but I'll sort of ignore the suggestion that, in fact, that I would make decisions based on the fact that Legislator Alden may be of one party or another. I don't think

there's anyone upon the podium that has had the unfortunate experience of treating a patient who actually had cancer and who died from cancer, and I •• of course, my father died from cancer, so just the concept that I would be doing something that's not in the favor of those who have cancer, I think that's •• from my perspective, that's just inappropriate.

Having said that, let me be clear about this particular item. The data that we have reviewed which includes data from the American Cancer Society has suggested that, in fact, this technology is not one that has been found to be that effective. If, in fact it, were effective, this •• it's not clear to me why this particular group has not already received approval from some local radiologists in an academic institution, they would be dying to do something of this nature; I don't see where there's a problem there.

LEG. ALDEN:

Can I answer that?

COMMISSIONER HARPER:

Having said that ••

LEG. ALDEN:

Through the Chair?

COMMISSIONER HARPER:

If I might continue.

VICE•CHAIRMAN BINDER:

Well, hold on, let him finish and then you can ••

COMMISSIONER HARPER:

Having said that, based on the research and those that we've discussed this with, it's become very clear to us that this is not •• it's not •• there are problems with this technology. And as a result of that, I'm not willing to approve of the use of this until it's very clear to me from people who have expertise in the field and not just a word of mouth, someone saying that this is what has occurred. That's not the way that clinical studies are done, it has to be hard data that's presented to those who are experts and it's peer reviewed, a group of experts take a look at

that information and make a determination whether or not this is a viable project that should go forth. And that's all I'm suggesting that needs to be done prior to me allowing our patients to use equipment of this nature or of any other nature, and it has nothing to do with anyone's political affiliation.

LEG. ALDEN:

So what you're saying is •• oh, through the Chair; sorry.

VICE•CHAIRMAN BINDER:

Go ahead.

LEG. ALDEN:

A non•evasive, and this is a non•evasive type of technology that could save somebody's life, you're not going to do until •• let me wait another 15, 20 years until it's out there, established, people are making money off of it and it saved other lives. But I'm going to just tell you, just for your information, the folks that developed this, they're actually going through and they're pretty much •• I don't know how far along but I know it's at least a year long with exactly the academic setting that you said; that is no reason for us to delay in Suffolk County.

And I'll point out another thing. How do you feel about mammography; you like that as a diagnostic tool, sir?

COMMISSIONER HARPER:

Well, obviously every diagnostic test has its problems, there's no perfect diagnostic test.

LEG. ALDEN:

Well, now tell me about how much problems we have with mammography as far as false positives and missing diagnostics where the person was sent home ••

COMMISSIONER HARPER:

That's correct.

LEG. ALDEN:

•• feeling that, "Oh, I tested clean." Now what did they do? They ended up dying from cancer

of the breast, didn't they?

COMMISSIONER HARPER:

No, I understand your point, but certainly mammography is only one part of a gamut of tests that are ultimately used. It's not a perfect system; if it were a perfect system, no one would die from cancer.

LEG. ALDEN:

Exactly right, Doctor, and that's why I'm providing another tool for you ••

COMMISSIONER HARPER:

I understand that.

LEG. ALDEN:

•• as the head of the Suffolk County delivery of this health system to make sure that more people don't die in Suffolk County from breast cancer. This is not the be•all/end•all.

COMMISSIONER HARPER:

I don't think you can present me with that data that indicates that, I guess that's my concern. If there was strong data that existed that showed that your technology that you're recommending as a layperson has showed those results, then I'm sure it wouldn't be myself, there would be a group of physicians that would be lining up to use that technology. I'm suggesting to you ••

LEG. ALDEN:

And they are, sir, they're charging ••

COMMISSIONER HARPER:

•• Legislator Alden, that that •• I don't believe that that exists based on our research; accordingly, I am not comfortable with recommending that for our patients.

LEG. ALDEN:

Good. Well, there's doctors in Suffolk County right now that use that and they charge 100 to \$300 per test. They want to save their lives of their patients, and obviously ••

COMMISSIONER HARPER:

And I don't want to save the lives of my patients; is that what you're saying?

LEG. ALDEN:

Well, obviously I'm getting some resistance here about trying to save people's lives, breast cancer people.

COMMISSIONER HARPER:

No, no, that's not what the issue is. This issue is about using the appropriate technology that has been approved in a public health setting and it's gone through the ••

LEG. ALDEN:

Well, as you're waiting ••

COMMISSIONER HARPER:

Well, why not distribute pills ••

LEG. ALDEN:

•• and waiting and waiting, people are dying.

COMMISSIONER HARPER:

Well, why not just find any pill that someone says works and just start giving out pills to our patients then.

LEG. ALDEN:

The FDA approved it; it's not invasive.

COMMISSIONER HARPER:

FDA approval does not mean that the actual technology has been demonstrated to do what •• if it were ••

LEG. ALDEN:

Dr. Harper, come on.

COMMISSIONER HARPER:

If it were just a matter of FDA approval.

LEG. ALDEN:

Dr. Carper •• Harper.

VICE•CHAIRMAN BINDER:

Wait, one at a time.

COMMISSIONER HARPER:

No, no, no, this is not "Dr. Harper, come on." There's a list of ••

LEG. ALDEN:

No, let me just tell you something, sir.

VICE•CHAIRMAN BINDER:

Cameron.

LEG. FOLEY:

Mr. Chairman? Mr. Chairman, please.

COMMISSIONER HARPER:

There's a list of technology that have an FDA approval that are not recommended for screening.

VICE•CHAIRMAN BINDER:

Cameron, let him finish and then we'll come back.

LEG. FOLEY:

Mr. Chairman, please.

LEG. ALDEN:

It's obvious he has the opportunity now to take a non•evasive test for free that can save lives and has actually been proven to save lives of cancer ••

COMMISSIONER HARPER:

That's what's at question ••

LEG. ALDEN:

Of cancer patients.

COMMISSIONER HARPER:

•• whether or not this has been proven to save lives.

LEG. ALDEN:

So then why don't you use it; who cares?

COMMISSIONER HARPER:

No, you're saying it's been proven.

MR. ZWIRN:

No, you're saying ••

LEG. ALDEN:

Use it.

COMMISSIONER HARPER:

Who's saying that it's been proven to save all these lives?

MR. ZWIRN:

You have the data?

COMMISSIONER HARPER:

Where is the documentation that supports that?

LEG. ALDEN:

I've got data.

MR. ZWIRN:

Well, can you supply it so somebody else can see it?

LEG. ALDEN:

Absolutely. But as you're sitting here asking for the data, people are dying. Use the test, sir, that's all we're asking you to do. It's another non•invasive ••

MR. GREENE:

You need data; it costs the County nothing, give somebody a chance.

VICE•CHAIRMAN BINDER:

Okay, hold on.

MR. GREENE:

My sister died from breast cancer.

VICE•CHAIRMAN BINDER:

Warren.

LEG. O'LEARY:

Through the Chair?

MR. GREENE:

What's the matter with you?

LEG. ALDEN:

This is incredible. What a statement to make to the people.

VICE•CHAIRMAN BINDER:

Warren. Hold on, guys.

MR. GREENE:

What kind of doctor are you?

LEG. O'LEARY:

Through the Chair.

LEG. FOLEY:

Mr. Chairman? Mr. Chairman, get control of this meeting, please.

VICE•CHAIRMAN BINDER:

I know, Warren, you can't.

LEG. FOLEY:

Mr. Chairman?

VICE•CHAIRMAN BINDER:

Legislator O'Leary and then Legislator Foley.

LEG. O'LEARY:

Doctor, this is a •• whether or not you're for or against it, it's in my view a harmless resolution or initiative on the part of Cameron Alden which institutes a pilot project. And after a year's time there will be an analysis done on the ethicacy of this particular project.

As you can obviously tell, the emotions run high when it comes to this particular subject, and perhaps justifiably so. But this is a pilot project, sir, and something that will cause an analysis of whether or not this particular project does have the ethicacy that you indicate that it does not. So that's •• I mean, that's the purpose of moving forward with this.

VICE•CHAIRMAN BINDER:

Okay, Legislator Foley.

LEG. FOLEY:

Thank you. Thank you, Mr. Chairman. Legislator Alden, you mentioned that there is backup information concerning this particular medical technology; has that been forwarded to the Commissioner to take a look at before today? If you have backup information, which I'm sure you do because •• I'm sure you have volumes of it because you usually are well prepared before you sponsor a resolution. If you have that backup, as we call it, why not furnish that to the Commissioner so he can review that •• let me finish the point, please. So he can review that information to see whether, in fact, it has been peer reviewed, to see whether or not it has

gone through the usual methodology of reviewing medical technology before it's been •• before it's used by clients.

You know, there could be •• I'm not saying there is •• there could be an issue of liability as well with the department concerning technology that hasn't been fully peer reviewed, I don't know. But if there is backup information, because this is a two page resolution, a page and a half, if there's backup information that strengthens your argument, I think it's incumbent upon any sponsor to furnish that information to the requisite department; and in this case, the Chief Medical Officer, if you will, of the County. It may very well be that once he reviews that backup information that the concerns that he's raised here today would be answered, I don't know. But if he doesn't have that information, Legislator Alden, just as much as he just mentioned his own father, you can mention my own mother, you can mention people in your family, where cancer has taken a toll. But, you know, there is •• there is an objective, scientific, medical process or methodology that is used to see about the ethicacy of different technologies and their diagnostic purposes, okay?

So if you have that backup, let's give it to the Commissioner and then, again, in a week and a half we'll be back here. So, you know, in all the years that I've been here, this may be the next wonder of the world. But this is the first time, and I'll say this for the record, and it's to the tribute of the sponsor of the bill that he's taken this kind of interest in it, where he's taken a personal case and trying to fashion legislation that will help others. But I think this is the first time that I can recall, and I stand ready to be corrected, where we've inscribed in legislation a particular diagnostic tool that the Commissioner of Health would have to use for •• would use on some clients; we've never done that before. Usually what we've done, when I was chair of the committee when there have been things like this, and even when I wasn't chair of the committee, we would first broach the issue with the Commissioner to see whether or not they would do it; if he wouldn't do it then take this next step.

Many of us would love to see the latest cutting edge technology to help our clients, to help clients within the health centers and the like. But is there harm in giving the backup information to the Commissioner, have him review that and then when we come back two Mondays from now, on the 11th I think it is, whatever •• not the 11th, whatever date it might be, it's less than two weeks •• then we can make a final judgment on this. Do you have backup that you could give to the Commissioner?

LEG. ALDEN:

That's ••

VICE•CHAIRMAN BINDER:

Legislator Alden.

LEG. ALDEN:

You want me to answer your question?

LEG. FOLEY:

Yes, please.

LEG. ALDEN:

That's one way of doing it, Brian.

LEG. FOLEY:

Right.

LEG. ALDEN:

But as we sit here, and I'm really not supposed to do this because this is exactly what my oncologist told me not to do.

LEG. FOLEY:

Not to get all upset, I understand that.

LEG. ALDEN:

To get upset and focus on breast cancer and the people that are dying every minute as we sit here and do nothing, and that's why I crafted this as a pilot program. When we approve it, and I really hope to God we approve this because I feel it can save lives, we will hand the Commissioner all the tools he needs to evaluate this. And you know what, Brian? And this is what I'm saying and I'll make a promise to everybody here. If the Commissioner calls me up and says, "Cameron, what I've gotten from these people is garbage. It doesn't work, it can't work," then you know what, I'm going to be the first one to pull the plug on it. But I'm not going to sit here and delay and allow delays in getting this information, not even information,

this type of a test to the Commissioner so he can implement it immediately. This is not something to take the place of all the tests that we do on people, this is not the magic bullet, this is in addition to. If a doctor has a suspicion, "Cameron, you've got a little spot over here, I'm not sure what it is," I don't want that person sent home again like we do and that's what we do currently. Let's give them this test, it's non-invasive, if they agree to it, and let's find out if that little spot is cancer or even we can move one step closer to deciding whether it is or isn't. And it will identify down to a very small point on the person's body what area to look at, then we can actually go with the more evasive type of •• invasive type of things thing like a fine needle biopsy or actually cutting a piece of somebody out which I think is a very radical move and send it to the lab, but only when it's raised in the doctor's mind that this person might have a problem in the first place. And you know what, Brian? It would be valid if we want to sit here and we're in an academic type of situation where, you know, we're going to evaluate, you know, cancer cures or treatments and things like that, we're not. Let's take all this stuff that's given to us for free, let's give it to the Health Department, let them put it out there and let them see if they can save lives with it.

LEG. FOLEY:

Through the Chair.

VICE-CHAIRMAN BINDER:

Legislator Foley.

LEG. FOLEY:

Thank you. I understand your point, Legislator Alden. But if the commissioner of the department is telling us that before he could move forward with anything along these lines, that he needs additional •• he needs the backup and other information in order to make a judgment whether it's appropriate or not; how could we approve a resolution prior to him reviewing the information?

LEG. ALDEN:

It's a pilot program, it doesn't cram it down his throat. It gives him these tools that he can look at them. And if he decides, before he even gives one test to one person, this is no good, like I said to you, too, Brian, if it's valid, I'll be the first one to pull the plug on it. I'm looking to save lives.

LEG. FOLEY:

I think we all are.

LEG. ALDEN:

And you know what?

LEG. FOLEY:

We all are.

LEG. ALDEN:

If I had to do it, I'll take my name off the resolution and would give it to you ••

LEG. FOLEY:

No, no, that's not the point.

LEG. ALDEN:

•• because you did •• No, Brian, when I first brought this up, you expressed a little bit of an interest in it in savings lives.

LEG. FOLEY:

Right, that's right.

LEG. ALDEN:

And I don't care, I'll walk away and somebody else could take credit for it.

LEG. FOLEY:

No, I think ••

LEG. ALDEN:

Because that's not what we're looking to do here; these are lives that are at stake, this is a serious •• this isn't a game.

LEG. FOLEY:

Well, the motivation is well placed and we all concur with the motivation. What we're trying to drive at here is an objective approach to see whether or not we can move it forward, but how the committee •• I'm trying to hear what the commissioner is saying and if he is saying that he can't make a judgment on this without more •• well, say more information, and if you have that information as backup, give him the information.

LEG. ALDEN:

Brian, I'm sorry, but I have a memo that was supposedly sent to me but it was sent to Legislator Binder ••

LEG. FOLEY:

Okay.

LEG. ALDEN:

•• this morning.

LEG. FOLEY:

Go ahead.

LEG. ALDEN:

It was supposed to be before the committee but it was sent to Legislator Binder, I guess addressed to me.

LEG. FOLEY:

Go ahead.

LEG. ALDEN:

He doesn't want it. He doesn't want the chance to look and evaluate this and he made it clear in this memo. So I'm saying the Legislature should decide policy in this County and if there's something out there that we can ••

VICE•CHAIRMAN BINDER:

Can I get a copy? I didn't get the memo before the meeting.

LEG. ALDEN:

Well, it was sent to me addressed to you.

VICE•CHAIRMAN BINDER:

Oh.

LEG. ALDEN:

If there's something that we can identify that can save lives, we should determine that policy and ask our •• the head of our Health Department to go out there and at least evaluate and try it instead of having a closed mind to it like this indicates.

LEG. FOLEY:

Can we read this first, Mr. Chairman?

VICE•CHAIRMAN BINDER:

I'm reading it now. Okay, it pretty much says a lot of what's been said here this morning. We have a •• there's a motion and a second to approve.

LEG. FOLEY:

Mr. Chairman?

VICE•CHAIRMAN BINDER:

Legislator Foley.

LEG. FOLEY:

Again, we're meeting in a month •• a week and a half time, that could give the department time enough to speak with the sponsor of the bill to see whether there could be a meeting of the minds. You know, when we approve •• when we have a Commissioner who is the Chief Medical Officer in the County and when we read such things that this technology is not considered a reliable diagnostic test, how are we supposed to make judgments on that? And I offer that, you know ••

LEG. ALDEN:

Here's what I'm asking you to vote on, Brian.

LEG. FOLEY:

I offer that in the spirit that it's given, not with any agenda.

LEG. ALDEN:

This is what I'm asking you to vote on.

LEG. FOLEY:

Go ahead.

LEG. ALDEN:

Not to evaluate but to give a chance to technology to save lives, that's what I'm asking you to do here today, vote this resolution in a positive manner. Let's give a chance to those people that are suffering from cancer to live.

VICE•CHAIRMAN BINDER:

Legislator O'Leary, and I'd like to see if we can close debate and move on.

LEG. O'LEARY:

Yeah, I was going to suggest that perhaps •• we have had a lot of dialogue on this, but reading Dr. Harper's memo to you, unfortunately it appears that you've already taken a position and a stance with respect to this particular project. And I would be of the opinion that this motion, this project should move forward and perhaps hopefully, if as Legislator Alden says, within the year's time even one life was saved or one cancer was detected as a result of this, then it's been worth the effort and the initiative itself.

So it is a pilot project, as I stated before, there is no cost impact to the County, it's something that may very well generate statistical data that this proves your position. And with that in mind, I think it's important that we move this resolution and move it rather quickly, get it under the time frame of the year's analysis and study, and perhaps after a year's time hopefully the ethicacy of this particular machinery or technology will disprove not only the data that you state that you have but your position as well.

VICE•CHAIRMAN BINDER:

I guess to close debate, my comment really is just this. I recognize your concerns and they're real concerns, but the concern really rises to one particular question; false positives and the angst that people go through with false positives, and that's really where your concern lies. If

you were telling me your real concern was that infrared •• we weren't •• we were concerned that it could in and of itself cause problems, it's dangerous in and of itself, I don't know that there's been any question and I don't think there is. The real question is the false positives, and I understand that's always a concern with this kind of technology or any new technology, is that something might come up and there is nothing there but it looks like it came up.

The other side is the weight that you hear from Legislator Alden, his aide, others who have been touched, myself and my family. And the question is that question of false positives versus the possibility that it's going to find cancers, pre malignancies, calcifications and other things that might normally not show up in the conventional type of skins that are out there now and give us the opportunity to do what he said, needle biopsies and other things that might give the opportunity to take a look at something that they would normally not look at. And the concern is often it's "we're not sure, could be, come back in six months," and then they'll be sure, but by the time they're sure there's something visible to the other technologies. At a time that there's a visible •• something visible there, technology, it might have spread to a lymph gland and now the whole picture •• and I don't have to tell you, you're a doctor •• the whole picture has now changed in treatment and survivability, and so it's a real concern.

And so on our end, we hear you. I would tell you that I'm going to vote for this out of no disrespect for your opinion. Well, and you should know that, you're a doctor and, as was said by Legislator Foley, chief health official in the County. But I have to hear what you say and what your concerns are and decide, in a sense, if I think you're being •• if I think as a policy maker you might be being too conservative when the downside is not enough to justify, in my opinion, holding off the upside of what could be in this new technology. And that's •• it's a weight that we have to throw. So I just want it clear, I mean no disrespect to your opinion as a doctor and as the chief health officer of the County, but I am going to vote for this today to move it on. Legislator Losquadro, what happened?

MR. COHEN:

He walked out that way.

MR. ZWIRN:

Mr. Chair?

VICE•CHAIRMAN BINDER:

Ben.

MR. ZWIRN:

I would just ask Legislator Alden if he could provide us or the doctor with some of the doctor's that he said ••

VICE•CHAIRMAN BINDER:

Maybe if he could do it before the meeting, that would ••

MR. ZWIRN:

Or to have them there to tell them why they think this is •• that would be helpful.

VICE•CHAIRMAN BINDER:

Right.

MR. ZWIRN:

And the only thing that I would just say in just my last comment is that we have one health professional, one medical doctor in this debate and, you know, I take what you said with no disrespect but, you know, this is a man who is sworn to save lives. And I know this is an emotional issue, everybody in this room has had somebody who's been touched, my mother, my sister, I mean. So nobody can have the veil of, you know, that they're holier than though, we've all been affected by it. And there's nobody ••

LEG. ALDEN:

Are you say I'm affecting that, Ben? I'm insulted.

MR. ZWIRN:

No, no. Cameron, I'm just saying, I know how emotional this issue is ••

VICE•CHAIRMAN BINDER:

I don't think he meant it as ••

MR. ZWIRN:

•• and we're all on the same side. It's a question of we haven't seen the data, apparently the •

• not me personally, but apparently the doctor hasn't seen it •• that convinces him that this is as good as you suggest it is; we're not saying it's not, but we just don't have the data. And before we start using this on Suffolk County residents, it would be good to have a little more information. Legislator Binder thinks that may be too conservative an approach, I'm not so sure, okay, on behalf of the County Executive.

VICE•CHAIRMAN BINDER:

Right, then that's •• but as policy makers we're going to have to make that determination as to where the weight's going to lie. And if I was told by our health professionals that the downside is the could do damage to people, I mean, real and they can be hurt and it could cause cancer, you know, or a possibility ••

MR. ZWIRN:

We don't know.

VICE•CHAIRMAN BINDER:

We do, otherwise the FDA, you wouldn't have an FDA approval if it would do harm on the other end.

MR. ZWIRN:

But think about the drugs that have been recalled recently that were killing people that were approved by the FDA, that's all.

LEG. ALDEN:

You know what, use your power of veto over something that would give people hope.

VICE•CHAIRMAN BINDER:

Right.

LEG. ALDEN:

That's what you can do, kill people; let's keep waiting and kill people.

VICE•CHAIRMAN BINDER:

We have a motion, we have a second. All those in favor? Opposed?

LEG. FOLEY:

Abstain.

VICE•CHAIRMAN BINDER:

Abstention by Legislator Foley. **1095 is approved (VOTE: 4•0•1•2 Abstention: Legislator Foley • Not Present: Legislators Tonna & Montano).** I thought that was going to be one of the quicker ones that we were going to do today.

1130•05 • Authorizing Estee Lauder Breast Cancer Awareness Program at H. Lee Dennison Executive Office Building and Cohalan Court Complex (Alden).

LEG. O'LEARY:

Motion.

LEG. FOLEY:

Second.

VICE•CHAIRMAN BINDER:

Motion to approve by Legislator O'Leary, second by Legislator Foley. All those in favor? Opposed? Approved **(VOTE: 5•0•0•2 Not Present: Legislators Tonna & Montano).**

1131•05 • Extending deadline for expiration of the Domestic Violence Prevention Commission (Caracappa).

LEG. LOSQUADRO:

Motion.

LEG. O'LEARY:

Motion.

VICE•CHAIRMAN BINDER:

Motion by Legislator Losquadro, second by Legislator O'Leary.

All those in favor? Opposed? Approved **(VOTE: 5•0•0•2 Not Present: Legislators Tonna & Montano).**

1154•05 • Approving the reappointment of Augustus G. Mantia as a member of the Suffolk County Human Rights Commission (County Executive).

MR. ZWIRN:

Mr. Chairman, can we ask for a table on this one for one cycle?

VICE•CHAIRMAN BINDER:

Yes. Please help us out with it, I just don't have •• the time to interview and stuff would be hard anyway, so.

LEG. FOLEY:

Motion to table.

LEG. KENNEDY:

He's here.

VICE•CHAIRMAN BINDER:

Oh, he's here?

LEG. BISHOP:

He's been waiting.

LEG. FOLEY:

Mr. Zwirn?

LEG. O'LEARY:

Can I ask why there's a request of the Executive Office to table this?

MR. ZWIRN:

I'm not sure. Is the gentleman here? Oh, then have him come up. I wasn't sure, maybe I thought that he wasn't going to be here today.

VICE•CHAIRMAN BINDER:

Well, wait, I don't know that he has to come up so fast.

LEG. O'LEARY:

This is a reappointment as well.

VICE•CHAIRMAN BINDER:

Hold on, it's a reappointment.

LEG. O'LEARY:

This is a reappointment. Motion to approve.

VICE•CHAIRMAN BINDER:

Okay.

LEG. O'LEARY:

Motion to approve.

LEG. FOLEY:

Second; second the motion.

VICE•CHAIRMAN BINDER:

I know •• my own concern, it's the County Executive's ••

LEG. FOLEY:

Second the motion.

VICE•CHAIRMAN BINDER:

•• legislation, so I want to make sure it's okay with the County Executive, it's his legislation.

MR. ZWIRN:

You know, I got instructions to ask that it be tabled and I don't know why. So if you could just table it for one; it's a reappointment so the gentleman would not have to return.

VICE•CHAIRMAN BINDER:

All right. So not knowing •• look, first off, right, Dr. Mantia, you would not have to return,

number one. Number two, I would ask that •• I will table it here and if ••

MR. ZWIRN:

We could discharge it.

VICE•CHAIRMAN BINDER:

•• if you would like us to move it, we'll discharge it on the floor at the next meeting, there shouldn't be a problem.

MR. ZWIRN:

Thank you, Mr. Chair. I appreciate it.

VICE•CHAIRMAN BINDER:

Motion to table, second by Legislator O'Leary. All those in favor? Opposed? 1154 is tabled **(VOTE: 5•0•0•2 Not Present: Legislators Tonna & Montano)**. I'm sure you can •• we'll work it out before the next meeting.

1156•05 • Transferring 89% Federal pass•thru grant funds from the Department of Probation to the Department of Health Services, Division of Community Mental Hygiene Services, to continue the Functional Family therapy Treatment Model for PINS Youth and their families and authorizing the County Executive to execute grant related agreements (County executive).

LEG. FOLEY:

Motion to approve.

VICE•CHAIRMAN BINDER:

Motion by Legislator Foley, second by Legislator Kennedy. All those in favor? Opposed? Approved **(VOTE: 5•0•0•2 Not Present: Legislators Tonna & Montano)**.

1157•05 • Authorizing ••

MR. COHEN:

You want to put that on consent calendar?

LEG. FOLEY:

You can't.

MR. COHEN:

Oh, you can't? Okay.

VICE•CHAIRMAN BINDER:

Why not?

MR. COHEN:

It's got to be 100%.

VICE•CHAIRMAN BINDER:

It does not say that. No, no, we can, we can do that.

LEG. O'LEARY:

You can't.

VICE•CHAIRMAN BINDER:

You can if there's a unanimous •• we can if there's a unanimous consent of the committee, if someone votes no then we won't do it. I hear that members don't want to do it anyway, we're going to move on.

LEG. FOLEY:

Thank you.

VICE•CHAIRMAN BINDER:

1157•05 • Authorizing the transfer of cardiac monitor•defibrillators from the Department of Health Services, Division of Emergency Medical Services to Volunteer Ambulance Services with Suffolk County (County Executive). Motion by Legislator Losquadro, second by Legislator Kennedy.

LEG. FOLEY:

On the motion. Commissioner, you have any thoughts on 1157?

LEG. O'LEARY:

No, I don't think he has any thoughts.

COMMISSIONER HARPER:

No comment.

VICE•CHAIRMAN BINDER:

In favor? Opposed? 1157 is Approved (***VOTE: 5•0•0•2 Not Present: Legislators Tonna & Montano***).

1158•05 • Accepting and appropriating additional 100% Federal grant funds passed through the New York State Division of Criminal Justice Services to the Department of Health Services, Division of Medical, Legal Investigations and Forensic Sciences for the Paul Coverdell National Forensic Sciences Improvement Act (County Executive).

Motion by myself ••

LEG. O'LEARY:

Second.

VICE•CHAIRMAN BINDER:

•• second by Legislator O'Leary to approve and to put on the consent calendar 1158. All those in favor? Opposed? ***Approved & Placed on the Consent Calendar (VOTE: 5•0•0•2 Not Present: Legislators Tonna & Montano)***.

LEG. O'LEARY:

Same motion, same second.

VICE•CHAIRMAN BINDER:

1159•05 • Accepting and appropriating additional 100% Federal grant funds from the New York State Department of Health to the Suffolk County Department of Health Services, Division of Patient Care Services for the Community Health Worker Program (County Executive). Same motion, same second and same vote on 1159, also consent

calendar. ***Approved and Placed on the Consent Calendar (VOTE: 5•0•0•2 Not Present: Legislators Tonna & Montano).***

1160•05 • 1158•05 • Accepting and appropriating additional 100% Federal grant funds passed through the New York State Division of Criminal Justice Services to the Department of Health Services, Division of Medical, Legal Investigations and Forensic Sciences for the DNA Capacity Enhancement Program (County Executive). Same motion, same second, same vote, also on the consent calendar. ***Approved and Placed on the Consent Calendar (VOTE: 5•0•0•2 Not Present: Legislators Tonna & Montano).***

1164•05 • Accepting and appropriating additional 100% State grant funds from the New York State Department of Health, Health Care Reform Act (HCRA) to the Department of Health Services, Division of Patient Care Services, for the School Based Health Program (County Executive). Same motion, same second, same vote, also on the consent calendar. ***Approved and Placed on the Consent Calendar (VOTE: 5•0•0•2 Not Present: Legislators Tonna & Montano).***

1165•05 • Approving the appointment of Gary R. Mar as a member of the Suffolk County Human Rights Commission (County Executive).

LEG. O'LEARY:

Is he here?

VICE•CHAIRMAN BINDER:

Ben? This is an appointment, we would have to interview. How are we doing here on Mr. Gary Mar.

LEG. FOLEY:

Mr. Mar is here.

VICE•CHAIRMAN BINDER:

Right, I see that. I want to see where the County Exec's Office sits, since it's a County Exec appointment.

MR. ZWIRN:

I would ask that the committee interview the gentleman who is here today, but I'm going to call the office and find out what my •• on this •• there were so many things on the agenda today, this was not the one that I was focusing on as much as some of the others that I knew we were going to have some discussions on.

VICE•CHAIRMAN BINDER:

Okay. Mr. Mar, if you can come up.

MR. ZWIRN:

Meanwhile, I'll ••

VICE•CHAIRMAN BINDER:

Right, find out what you'd like us to do since it's your resolution.

MR. ZWIRN:

Thanks.

LEG. FOLEY:

Commissioner, thank you for your testimony today.

COMMISSIONER HARPER:

You're welcome. Thank you.

LEG. FOLEY:

Although there may be some other questions later, so I wouldn't leave the auditorium yet; not from me, but there could be from others.

VICE•CHAIRMAN BINDER:

Just pull the mike close and pull up. Thanks. I don't have in front of me your background, if you can give me a quick thumbnail sketch, I don't have your resume in front of me.

MR. MAR:

I'm a Professor of Philosophy at Stony Brook University, I teach logic and I'm also ••

VICE•CHAIRMAN BINDER:

Oh. Now, what are you doing at the Legislature? You must feel so out of place here.

MR. MAR:

There's a lot of great examples for class.

MR. COHEN:

He's got a seven page resume.

VICE•CHAIRMAN BINDER:

Only seven pages on this resume. And if you can boil down your philosophy to one •• no, it's seven pages, I'm not going to try to boil it down. Okay, so you teach logic.

MR. MAR:

Yes, but I've also taught courses recently for about the last ten years dealing with Asian •American History, and so what I would bring to the Human Rights Commission is the perspective of that history.

VICE•CHAIRMAN BINDER:

We've gone long so I'm going to ask you for a short answer to the question. Just the perspective of Asian•Americans in Suffolk County, I'm just kind of curious how you see them in the community, how Suffolk's •• and how they fit in or how they don't fit in because of how Suffolk's treated them.

MR. MAR:

Well, the last ten years I became involved in this because of the Wong Center Donation at Stony Brook, and so I have been teaching these courses and working with community groups for the last ten years to see •• I do become aware of the problems. And my children have been involved in learning this process and that's why it was important for me.

VICE•CHAIRMAN BINDER:

Discrimination and other questions, I'm just kind of curious what •• if you can boil it down to what you've found of Asian Americans in Suffolk and ••

MR. MAR:

There's also not just Asian race but to educate the wider community of different groups face

different kinds of issues. For example, Asian•Americans usually face issues in terms of citizen/non•citizen immigration issues, whereas other groups may face discrimination in other areas.

VICE•CHAIRMAN BINDER:

Okay. Do members have questions?

LEG. FOLEY:

Outstanding credentials.

LEG. O'LEARY:

Yeah, I just wanted to •• I just wanted to comment on it as well. I've sat through several considerations for appointment to the various commissions and your resume is voluminous and obviously it's outstanding and you're a welcome addition to the professional community and the Suffolk Human Rights Commission. Thank you. And perhaps you can bring some logic to that commission as well.

VICE•CHAIRMAN BINDER:

Logic is always a good thing.

MR. MAR:

Thank you very much.

VICE•CHAIRMAN BINDER:

Second.

LEG. FOLEY:

Thank you for your patience.

LEG. O'LEARY:

Motion to approve.

LEG. FOLEY:

Second.

MR. ZWIRN:

I would just ask if you can just table it for one cycle. No, no, the gentleman has been here and I'm glad you had the opportunity.

VICE•CHAIRMAN BINDER:

No, he doesn't •• no, let me explain. You don't have to come back.

MR. MAR:

Okay.

VICE•CHAIRMAN BINDER:

You're in great shape.

MR. COHEN:

He's over qualified.

VICE•CHAIRMAN BINDER:

Right, you're in great shape. It's just that the sponsor wants to table it ••

MR. ZWIRN:

For one cycle.

VICE•CHAIRMAN BINDER:

•• for a cycle. I would just suggest that you talk to Mr. Zwirn on the way out so you can get an understanding as to what's going on.

MR. ZWIRN:

Thank you for your indulgence.

VICE•CHAIRMAN BINDER:

Motion to table by myself, second by legislator O'Leary. All those in favor? Opposed? Tabled
(VOTE: 5•0•0•2 Not Present: Legislators Tonna & Montano).

SENSE RESOLUTIONS

VICE•CHAIRMAN BINDER:

Sense Resolution No. 10•2005 • Sense of the Legislature Resolution urging Federal, State and local officials to uphold civil rights and liberties (Viloria•Fisher).

LEG. O'LEARY:

Motion to table. Oh, okay.

VICE•CHAIRMAN BINDER:

Do you withdraw that? You withdraw that. Okay, is there a motion? On S10, is there a motion? There's no motion, ***it fails for lack of a motion.***

Is there anything else to come before the committee? If not, I make a motion to adjourn. All those in favor? I'm getting a look, there's something else; do you want to speak?

COMMISSIONER HARPER:

No, no, not me.

VICE•CHAIRMAN BINDER:

No, no, okay. A motion, second by Legislator O'Leary. All those in favor? Opposed? We're adjourned.

(*The meeting was adjourned at 2:41 P.M.*)

***Legislator Allan Binder, Vice•Chair
Health & Human Services Committee***